

*****Adopted*****

AMENDMENT No. 1 PROPOSED TO

Committee Sub. for SB NO. 2974

By Senator(s) Turner

1 **AMEND** by inserting after line 19 the following, and renumber
2 subsequent sections.

3 SECTION *. Section 41-29-531, Mississippi Code of 1972, is
4 amended as follows:

5 41-29-531. This article shall not apply to:

6 (a) An operator of a switchboard, or an officer,
7 employee or agent of a communication common carrier whose
8 facilities are used in the transmission of a wire communication,
9 intercepts a communication, or who discloses or uses an
10 intercepted communication in the normal course of employment while
11 engaged in an activity that is a necessary incident to the
12 rendition of service or to the protection of the rights or
13 property of the carrier of the communication;

14 (b) An officer, employee or agent of a communication
15 common carrier who employs or uses any equipment or device which
16 may be attached to any telephonic equipment of any subscriber
17 which permits the interception and recording of any telephonic
18 communications solely for the purposes of business service
19 improvements;

20 (c) An officer, employee or agent of a communication
21 common carrier who provides information, facilities or technical
22 assistance to an investigative or law enforcement officer who is
23 authorized as provided by this article to intercept a wire, oral

24 or other communication;

25 (d) A person acting under color of law who intercepts a
26 wire, oral or other communication if the person is a party to the
27 communication, or if one of the parties to the communication has
28 given prior consent to the interception; or

29 (e) A person not acting under color of law who
30 intercepts a wire, oral or other communication if the person is a
31 party to the communication, or if one of the parties to the
32 communication has given prior consent to the interception unless
33 the communication is intercepted for the purpose of committing any
34 criminal or tortious act in violation of the Constitution or laws
35 of the United States or of this state, or for the purpose of
36 committing any other injurious act.

37 **FURTHER AMEND** the title on line 3 by inserting after the
38 semi-colon the following:

39 TO AMEND SECTION 41-29-531, MISSISSIPPI CODE OF 1972, TO PROVIDE
40 CERTAIN EXCEPTIONS TO CRIMINAL LIABILITY;