

LEGISLATIVE BILL 625

Approved by the Governor February 10, 1984

Introduced by Law Enforcement & Justice Advisory Committee
 Beutler, 28, Chairperson; Chambers, 11;
 Pirsch, 10; Von Minden, 17; Jacobson, 33;
 Chronister, 18; R. Johnson, 34; Abboud, 12

AN ACT to amend section 86-701, Reissue Revised Statutes of Nebraska, 1943, relating to telecommunications; to redefine a term; to repeal the original section; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 86-701, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-701. As used in sections 86-701 to 86-707, unless the context otherwise requires:

(1) Wire communication shall mean any communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by any person engaged as a common carrier in providing or operating such facilities for the transmission of communications;

(2) Oral communication shall mean any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation;

(3) Intercept shall mean the aural acquisition of the contents of any wire or oral communication through the use of any electronic, mechanical, or other device;

(4) Electronic, mechanical, or other device shall mean any device or apparatus which can be used to intercept a wire or oral communication other than (a) any telephone or telegraph instrument, equipment, or facility, or any component thereof, (i) furnished to the subscriber or user by a communications common carrier in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business; or (ii) being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his or her duties; or (b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(5) Investigative or law enforcement officer shall mean any officer of the State of Nebraska or political subdivision thereof, who is empowered by law to

conduct investigations of or to make arrests for criminal offenses, and the Attorney General and any county attorney authorized by law to prosecute or participate in the prosecution of such offenses, and for purposes of sections 86-701 to 86-706 only, special agents of the Federal Bureau of Investigation;

(6) Contents, when used with respect to any wire or oral communication, shall include any information concerning the identity of the parties to such communication or the existence, substance, purport, or meaning of that communication;

(7) Judge of competent jurisdiction shall mean a judge of a district court of Nebraska; and

(8) Aggrieved person shall mean a person who was a party to any intercepted wire or oral communication or a person against whom the interception was directed.

Sec. 2. That original section 86-701, Reissue Revised Statutes of Nebraska, 1943, is repealed.

Sec. 3. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.