

STATE BY STATE TELEPHONE RECORDING LAWS

Telephone tape recording laws are usually referenced by either one or two party conversations. A one party conversation state means that one party to the telephone conversation has to have knowledge and give full consent to the fact that the conversation is being recorded. In a two party conversations state, all parties involved in the conversation must have knowledge and give consent to the recording.

STATE	STATE CODE OR STATUTE	1 OR 2 PARTY
Alabama	Ala. Code § 13A-11-30, -31	1
Alaska	Alaska Stat. § 42.20.310	1
Arizona	Ariz. Rev. Stat. Ann. § 13-3005	1
Arkansas	Ark. Code § 5-60-120	1
California	Cal. Penal Code §§ 631, 632	2
Colorado	Colo. Rev. Stat. § 18-9-303	1
Connecticut	Conn. Gen. Stat. § 52-570d	2
Delaware	Del. Code Ann. tit. 11, § 2402(c)(4)	1*
D.C.	D.C. Code Ann. § 23-542	1
Florida	Fla. Stat. ch. 934.03	2
Georgia	Ga. Code Ann. § 16-11-62	1
Hawaii	Haw. Rev. Stat. § 803-42	1
Idaho	Idaho Code § 18-6702	1
Illinois	720 Ill. Compiled Stat. Ann. 5/14-1, -2	2
Indiana	Ind. Code Ann. § 35-33.5-1-5	1
Iowa	Iowa Code § 727.8	1
Kansas	Kan. Stat. Ann. § 21-4001	1
Kentucky	Ky. Rev. Stat. Ann. § 526.010	1
Louisiana	La. Rev. Stat. § 15:1303	1
Maine	Me. Rev. Stat. Ann. tit. 15, § 709	1
Maryland	Md. Code Ann., Courts and Judicial Proceedings § 10-402	2
Massachusetts	Mass. Ann. Laws ch. 272, § 99	2
Michigan	Mich. Comp. Laws § 750.539c	2
Minnesota	Minn. Stat. § 626A.02	1
Mississippi	Miss. Code Ann. §§ 41-29-501 to -537	1
Missouri	Mo. Rev. Stat. § 542.402	1
Montana	Mont. Code Ann. § 45-8-213	2
Nebraska	Neb. Rev. Stat. § 86-290	1
Nevada	Nev. Rev. Stat. Ann. § 200.620	2
New Hampshire	N. H. Rev. Stat. Ann. § 570-A:2	2
New Jersey	N.J. Stat. § 2A:156A-3	1
New Mexico	N.M. Stat. Ann. § 30-12-1	1
New York	N.Y. Penal Law §§ 250.00, 250.05	1
North Carolina	N.C. Gen. Stat. § 15A-287	1
North Dakota	N.D. Cent. Code § 12.1-15-02	1
Ohio	Ohio Rev. Code Ann. § 2933.52	1
Oklahoma	Okla. Stat. tit. 13, § 176.4	1

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Oregon	Or. Rev. Stat. §§ 165.535, 165.540	1
Pennsylvania	18 Pa. Cons. Stat. §§ 5703, 5704	2
Rhode Island	R.I. Gen. Laws § 11-35-21	1
South Carolina	S.C. Code Ann. §§ 17-30-20, 17-30-30	1
South Dakota	S.D. Codified Laws § 23A-35A-20	1
Tennessee	Tenn. Code Ann. § 39-13-601	1
Texas	Texas Penal Code § 16.02	1
Utah	Utah Code Ann. § 77-23a-4	1
Vermont	<i>Vermont v. Blow</i> , 602 A.2d 552 (Vt. 1991)	1
Virginia	Va. Code Ann. § 19.2-62	1
Washington	Wash. Rev. Code § 9.73.030	2
West Virginia	W. Va. Code § 62-1D-3	1
Wisconsin	Wis. Stat. § 968.31	1
Wyoming	Wyo. Stat. § 7-3-702	1

* Delaware: The wiretapping law says that only one party's consent is necessary. However, an older privacy law suggests that all parties must give consent before recording. At least one court has upheld the one party consent rule under the wiretapping law.

- Revised 7/9/2010 -