

JUSTIA

Recording Calls and Conversations

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Overview

Federal and state laws differ as to the legality of recording phone calls and conversations. Determining which jurisdiction's law controls in cases involving recording devices or parties in multiple states can be complex, so it is likely best to adhere to the strictest applicable law when in doubt, and/or get the clear consent of all parties before recording.

Federal Law

Federal law (18 U.S.C. § 2511) requires one-party consent, which means you can record a phone call or conversation so long as you are a party to the conversation. If you are not a party to the conversation, you can record a conversation or phone call only if at least one party consents and has full knowledge that the communication will be recorded. The statute also prohibits recording conversations with criminal or tortious intent.

State Law

Most states have enacted laws that are similar to the federal statute, meaning that they generally require one-party consent (click each state to see the details below).

One-Party Consent States

- Alabama
- Alaska
- Arizona
- Arkansas
- Colorado
- District of Columbia
- Georgia
- Hawaii
- Idaho
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Minnesota
- Mississippi
- Missouri
- Nebraska
- New Jersey
- New Mexico
- New York
- North Carolina
- North Dakota
- Ohio

- Oklahoma
- Rhode Island
- South Carolina
- South Dakota
- Tennessee
- Texas
- Utah
- Virginia
- West Virginia
- Wisconsin
- Wyoming

These states clearly or potentially require consent from all parties under some or all circumstances:

All-Party Consent States

- California
- Connecticut
- Delaware
- Florida
- Illinois
- Maryland
- Massachusetts
- Michigan
- Montana
- Nevada
- New Hampshire
- Oregon
- Pennsylvania
- Vermont
- Washington

Note that in many states, consent requirements only apply in situations where the parties have a reasonable expectation of privacy (e.g. not in a public place). Further, what constitutes “consent” in a given jurisdiction can vary in terms of whether it must be express or can be implied based on the circumstances.

Recording Laws By State

State	Description
Alabama	<p>Alabama law requires the consent of at least one party to legally record an in-person or telephone conversation. Illegal recording is misdemeanor.</p> <p>AL Code § 13A-11-30 (definition), § 13A-11-31 (penalty)</p>
Alaska	<p>It is a misdemeanor in Alaska to record an oral or telephone communication without the consent of at least one party. The Alaska Supreme Court has held that the eavesdropping statute was intended to address only third-party interception of communications and thus does not apply to a party to a conversation.</p> <p>AK Stat § 42.20.310 (definition), § 42.20.330 (penalty), <i>Palmer v. State</i>, 604 P.2d 1106 (1979)</p>
Arizona	<p>In Arizona, it is a felony to record an in-person or phone conversation without the consent of at least one party. Violators may also be subject to civil liability.</p> <p>AZ Rev Stat § 13-3005, § 13-3012 (definition & penalty), § 12-731 (civil damages)</p>
Arkansas	<p>It is a misdemeanor in Arkansas for a person to record an oral or telephone communication to which they are not a party.</p> <p>AR Code § 5-60-120 (definition & penalty)</p>
California	<p>In California, it is a crime punishable by fine and/or imprisonment to record a confidential conversation without the consent of all parties, or without a notification of the recording to the parties via an audible beep at specific intervals. The California Supreme Court has defined a confidential conversation as one in which the parties have a reasonable expectation that no one is listening in or eavesdropping. In addition to criminal penalties, illegal recording can also give rise to civil damages.</p> <p>CA Penal Code § 632 (definition & penalty), § 637.2 (civil damages), <i>Flanagan v. Flanagan</i>, 41 P.3d 575 (Cal. 2002), Cal. Pub. Util. Code Gen. Order 107-B(II)(A)</p>
Colorado	<p>In Colorado it is a misdemeanor to record an in-person conversation and a felony to record a phone conversation without the consent of at least one party.</p> <p>CO Rev Stat § 18-9-303 (wiretapping definition & penalty), § 18-9-304 (eavesdropping definition & penalty)</p>
Connecticut	<p>In Connecticut, it is a felony to record an oral or telephone communication without the consent of at least one party. In the civil context, Connecticut law prohibits recording phone calls without obtaining consent from all parties either in writing or at the beginning of the recording. A notification at the start of the call recording, or a warning tone at 15-second intervals will also suffice. Violations can lead to damages, costs, and/or attorney fees in a civil suit.</p>

	CT Gen Stat § 53a-187 (definition), § 53a-189 (penalty), § 52-570d (civil definition & damages)
Delaware	<p>At least one party must consent to recording in-person or phone conversations under Delaware law, though state statutes conflict somewhat. Under the state’s wiretapping law, it is lawful for someone to intercept a communication as long as they themselves or another party to the conversation consents, and if the interception does not serve to further criminal, tortious, or other unlawful activity. But under the state’s privacy law, which is older, all parties to a conversation must consent to recording. This is counterbalanced by a 1975 Delaware federal district court opinion, <i>U.S. v. Vespe</i>, which interpreted the privacy law to reflect the federal rule that only one party needs to consent to recording. Violation of the wiretapping law is a felony, and can also provide the basis for actual and punitive damages in a civil suit. Violation of the privacy law is a misdemeanor.</p> <p>11 DE Code § 2402 (wiretapping definition & criminal penalty), § 2409 (wiretapping civil liability), § 1335 (privacy violation definition & penalty), <i>U.S. v. Vespe</i>, 389 F. Supp. 1359 (D. Del. 1975)</p>
District of Columbia	<p>Recording or intercepting in-person or phone conversations without the consent of at least one party is punishable by fine and/or imprisonment, and can also lead to civil liability in the form of actual and punitive damages.</p> <p>DC Code § 23–542 (definition & penalty), § 23–554 (civil damages)</p>
Florida	<p>In Florida it is illegal to record an in-person or telephone conversation without the consent of all parties. Violating this law constitutes either a misdemeanor or a third degree felony depending on the offender’s intent and conviction history, and can also subject the offender to civil damages.</p> <p>FL Stat § 934.03 (definition & penalties)</p>
Georgia	<p>It is illegal under Georgia’s wiretapping and eavesdropping statutes to record an oral or telephone conversation without the consent of at least one party. Violations are felonies and may result in fines and/or imprisonment.</p> <p>GA Code § 16-11-62, § 16-11-66 (definitions), § 16-11-69 (penalty)</p>
Hawaii	<p>Recording oral or telephone conversations without the consent of at least one party is a felony in Hawaii, and can also give rise to actual and punitive damages in a civil suit.</p> <p>HI Rev Stat § 803-42 (definition & penalty), § 803-48 (civil damages)</p>
Idaho	<p>In Idaho, recording an oral or phone conversation without the consent of at least one party is a felony that can lead to fines and/or imprisonment, as well as civil damages.</p> <p>ID Code § 18-6702 (definition & penalty), § 18-6709 (civil damages)</p>
Illinois	<p>The state eavesdropping statute formerly required all parties to consent to the recording of any conversation or communication, or potentially face felony charges and/or civil liability. In 2014 the Illinois Supreme Court declared the law</p>

	<p>overly broad and unconstitutional. The statute was amended later that year to allow recording in public places, but still requires all parties to consent to recording conversations where there is a reasonable expectation of privacy.</p> <p>720 ILCS § 5/14-2 (definition), § 5/14-4 (penalty), § 5/14- 6 (civil damages), <i>People v. Clark</i>, 6 N.E.3d 154 (Ill. 2014)</p>
Indiana	<p>It is illegal to record or intercept any telephone or electronic communication without the consent of at least one party. This offense is a felony punishable by fine and/or imprisonment, and can also carry civil liability. Indiana’s wiretapping statute does not appear to address in-person conversations.</p> <p>IN Code § 35-31.5-2-176 (definition), § 35-33.5-5-5 (penalty), § 35-33.5-5-4 (civil damages)</p>
Iowa	<p>Under the state eavesdropping statute, it is a serious misdemeanor to record an oral, telephone, or other communication without the consent of at least one party. The state wiretapping law provides that it is a felony to intercept or record any oral, wire, or electronic communication without the consent of at least one party. Wiretapping offenses can also lead to civil liability.</p> <p>IA Code § 727.8 (eavesdropping definition), § 808B.1 (wiretapping definition), § 808B.2 (definition & penalty), § 808B.8 (civil damages)</p>
Kansas	<p>Under Kansas breach of privacy law, it is a misdemeanor to record a conversation or other private communication without the consent of at least one party. Violators may also be subject to civil damages.</p> <p>KS Stat § 21-6101 (definition & penalty), KS Stat § 22-2518 (civil damages)</p>
Kentucky	<p>It is a felony under Kentucky’s eavesdropping law to overhear or record any oral or wire communication without the consent of at least one party.</p> <p>KY Rev Stat § .010 (definition), § .020 (penalty)</p>
Louisiana	<p>Under Louisiana’s Electronic Surveillance Act, it is illegal to intercept or record oral, wire or electronic conversations unless at least one party has consented. Violators may be subject to fines, imprisonment, and/or civil damages.</p> <p>LA Rev Stat § 15:1303 (definition & penalties), § 15:1312 (civil damages)</p>
Maine	<p>Maine law prohibits the recording or interception of oral or phone conversations without the consent of one party. Violations are criminally punishable by jail time and/or fines, and can also be the basis for civil liability.</p> <p>15 ME Rev Stat § 709 (definition), § 710 (penalty), § 711 (civil damages)</p>
Maryland	<p>All parties must consent to the recording of oral or telephone conversations under Maryland law, though the courts have interpreted this to be limited to situations where the parties have a reasonable expectation of privacy. Recording with criminal or tortious intent is illegal regardless of consent. Violating this law is a felony punishable by fine and/or imprisonment, and can lead to civil damages as well.</p>

	<p>MD Cts & Jud Pro Code § 10-402 (definition & penalty), § 10-410 (civil damages), Malpas v. State, 695 A.2d 588 (Md. Ct. Spec. App. 1997)</p>
Massachusetts	<p>Under Massachusetts law it is illegal to record any oral, telephone, or wire communication without the consent of all parties. Violators are subject to felony charges, fines, jail time, and/or civil damages.</p> <p>MA Gen L Ch 272 § 99 (definition, penalty, civil damages)</p>
Michigan	<p>Michigan’s eavesdropping statute prohibits recording in-person and telephone conversations without consent from all parties, though one court has interpreted it as requiring consent from only one party. Violations are considered a felony, and carry potential fines, imprisonment, and civil damages.</p> <p>MI Comp L § 750.539c (definition & penalty), 750.539h (civil damages), Sullivan v. Gray, 117 Mich. App. 476 (1982)</p>
Minnesota	<p>Minnesota law makes it legal to record an oral or telephone conversation with the consent of one or more parties, provided there was no criminal or tortious intent. Unauthorized recording in violation of this law can lead to jail time, fines, and/or civil liability.</p> <p>MN Stat § 626A.02 (definition & penalty), § 626A.13 (civil damages)</p>
Mississippi	<p>It is illegal to record in-person or phone conversations under Mississippi law without the consent of at least one party, or with the intent of committing a criminal or tortious act. Violations can result in fines, imprisonment, and/or civil damages.</p> <p>MS Code § 41-29-531 (definition), § 41-29-533 (penalty), § 41-29-529 (civil damages)</p>
Missouri	<p>Under Missouri law it is illegal to record a phone conversation without the consent of one party, or to record any conversation with criminal or tortious intent. Illegal recording is a felony punishable by fine and/or imprisonment. Offenders are also subject to potential civil liability.</p> <p>MO Rev Stat § 542.402 (definition & penalty), § 542.418 (civil damages)</p>
Montana	<p>Montana law requires the consent of all parties to record an in-person or telephone conversation except under certain circumstances, usually involving public officials/entities, or warning given about the recording. A violation of this law can lead to fines and/or jail time.</p> <p>MT Code § 45-8-213 (definition & penalty)</p>
Nebraska	<p>It is legal to record an oral or telephone communication under Nebraska law with the consent of at least one party provided that the recording is not made with criminal or tortious intent. Illegal recording is a felony except for in specifically enumerated circumstances under which a first offense is a misdemeanor; it can also lead to civil liability.</p> <p>NE Code § 86-290 (definition & penalty), § 86-297 (civil damages)</p>

Nevada	<p>Under Nevada law it is illegal to secretly record an oral communication without the consent of at least one party. The Nevada Supreme Court has held that all parties must consent to the recording of a telephonic conversation. Illegal recording is a felony and carries the potential of civil damages as well.</p> <p>NV Rev Stat § 200.620, § 200.650 (definitions), § 200.690 (penalty & civil damages), Lane v. Allstate Ins. Co., 114 Nev. 1176 (1998)</p>
New Hampshire	<p>New Hampshire law provides that it is illegal to record an in-person or telephone conversation without the consent of all parties. However, the New Hampshire Supreme Court has held that a party essentially consented to a recording when the overall circumstances demonstrated that they knew they were being recorded. Illegal recording is a felony unless the person recording was a party to the conversation or had the consent of a party, in which case it is a misdemeanor. Violators may also be subject to civil liability.</p> <p>NH Rev Stat § 570-A:2 (definition & penalty), § 570-A:11 (civil damages), New Hampshire v. Locke, 761 A.2d 376 (N.H. 1999)</p>
New Jersey	<p>Under New Jersey law, in-person or telephone conversations may be recorded with the consent of at least one party as long as the recording is not made with criminal or tortious intent. Illegal recording is a crime in the third degree and can also provide the basis for civil damages.</p> <p>NJ Rev Stat § 2A:156A-3, § 2A:156A-4 (definition & penalty), § 2A:156A-24 (civil damages)</p>
New Mexico	<p>New Mexico law does not appear to prohibit recording in-person conversations without consent. However, the consent of one party is required to legally record electronic communications. Illegal recording is a misdemeanor, and can subject offenders to civil damages as well.</p> <p>NM Stat § 30-12-1 (definition & penalty), § 30-12-11 (civil damages)</p>
New York	<p>Under New York's eavesdropping law, it is illegal to record in-person or telephone conversations without the consent of at least one party. Illegal recording is a felony.</p> <p>NY Penal L § 250.00, § 250.05 (definition & penalty)</p>
North Carolina	<p>In-person or telephonic communications may legally be recorded under North Carolina law with the consent of one party. Illegal recording is a felony that can also give rise to civil damages.</p> <p>NC Gen Stat § 15A-287 (definition & penalty), § 15A-296 (civil damages)</p>
North Dakota	<p>North Dakota's eavesdropping law provides that it is legal to record an oral or telephone communication with the consent of at least one party unless the recording is made with criminal or tortious intent. Illegal recording is a felony.</p> <p>N.D. Cent. Code § 12.1-15-02 (definition & penalty)</p>


Ohio	<p>Under Ohio law it is legal to record an oral or phone conversation with the consent of one party barring any criminal or tortious intent. Illegal recording is a felony and can also lead to civil liability.</p> <p>Ohio Rev Code § 2933.52 (definition & penalty), § 2933.52 (civil damages)</p>
Oklahoma	<p>Oklahoma’s Security of Communications Act provides that it is illegal to record an in-person or telephone communication without the consent of at least one party or to record a communication with criminal or tortious intent. Illegal recording is a felony punishable by fine and/or imprisonment.</p> <p>13 OK Stat § 13-176.3, § 13-176.4 (definition & penalty)</p>
Oregon	<p>In Oregon it is legal to record telephone conversations with the consent of at least one party, but recording in-person conversations requires the consent of all parties except for in certain circumstances, such as when all parties reasonably should have known they were being recorded. Illegal recording is a misdemeanor that can also give rise to civil damages.</p> <p>OR Rev Stat § 165.540 (definition & penalty), § 133.739 (civil damages)</p>
Pennsylvania	<p>In Pennsylvania it is a felony to record an oral or telephone communication without the consent of all parties. Offenders are also subject to civil liability.</p> <p>18 PA Cons Stat § 5703, § 5704 (definition & penalty), § 5725, § 5747 (civil damages)</p>
Rhode Island	<p>In Rhode Island it is legal to record an in-person or phone communication with the consent of at least one party if the recording is not made with criminal or tortious intent. Illegal recording is punishable by imprisonment and can also be the basis for civil damages.</p> <p>RI Gen L § 11-35-21 (definition & penalty), § 12-5.1-13 (civil damages)</p>
South Carolina	<p>South Carolina law provides that it is a felony to record an in-person or telephone conversation without the consent of at least one party. Illegal recording can also give rise to civil liability.</p> <p>SC Code § 17-30-20, § 17-30-30 (definition & penalty), § 17-30-135 (civil damages)</p>
South Dakota	<p>Under South Dakota law, it is a felony to record an oral or telephone communication without the consent of at least one party.</p> <p>SD Codified L § 23A-35A-20 (definition & penalty)</p>
Tennessee	<p>It is a felony in Tennessee to record an in-person or phone conversation without the consent of at least one party, or with criminal or tortious intent. Offenders may also be subject to civil damages, an injunction, and/or a restraining order.</p> <p>TN Code § 39-13-601, § 39-13-604 (definitions), § 39-13-602 (penalty), § 39-13-603 (civil damages)</p>

Texas	<p>Under Texas law it is a felony to record an oral or electronic communication without the consent of at least one party, or with the intent to commit a crime or a tort. Illegal recording may also be the basis for civil liability.</p> <p>Tex. Penal Code § 16.02 (definition & penalty), Tex. Civ. Prac. & Rem. Code § 123.004 (civil damages)</p>
Utah	<p>In Utah it is lawful to record oral or telephone conversations with the consent of at least one party barring any criminal or tortious intent. Illegal recording in this context is a felony except as it relates to the radio portion of cell phone communications, in which case it is a misdemeanor. The statute also provides for civil liability.</p> <p>UT Code § 77-23a-4 (definition & penalty; civil damages), § 77-23b-8 (civil damages)</p>
Vermont	<p>Vermont has not enacted a specific statute to address consent for recording conversations. However, the Vermont Supreme Court has held that it is an unlawful invasion of privacy for law enforcement officers to secretly make a warrantless recording of a conversation inside a person's home.</p> <p><i>Vermont v. Geraw</i>, 795 A.2d 1219 (Vt. 2002)</p>
Virginia	<p>Under Virginia law it is a felony to record an in-person or telephone conversation without the consent of at least one party. Offenders may be subject to civil damages as well.</p> <p>VA Code § 19.2-62 (definition & penalty), § 19.2-69 (civil damages)</p>
Washington	<p>Washington law requires the consent of all parties to legally record in-person or telephone conversations. Consent is considered obtained via a reasonably clear announcement made to all parties during the recording. Violations are considered a gross misdemeanor and can also lead to civil damages.</p> <p>WA Rev Code § 9.73.030 (definition), § 9.73.080 (penalty), § 9.73.060 (civil damages)</p>
West Virginia	<p>In West Virginia it is a felony punishable by fine and/or imprisonment to record an oral or phone communication without the consent of at least one party, or with criminal or tortious intent. Victims may also seek civil damages.</p> <p>WV Code § 62-1D-3 (definition & penalty), § 62-1D-12 (civil damages)</p>
Wisconsin	<p>In Wisconsin it is a felony to record an oral or telephone communication without the consent of at least one party, or with the intention of committing a crime or a tort. Illegal recording may also give rise to civil liability.</p> <p>WI Stat § 968.31 (definition, penalty, & civil damages)</p>
Wyoming	<p>Recording an in-person or phone conversation without at least one party's consent or with criminal or tortious intent is a felony punishable by fine and/or imprisonment.</p> <p>WY Stat § 7-3-702 (definition & penalty)</p>



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