

CHAPTER 506

AN ACT to create 885.365 of the statutes, relating to inadmissibility of recorded telephone conversations.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

885.365 of the statutes is created to read:

885.365 RECORDED TELEPHONE CONVERSATION. (1) Evidence obtained as the result of the use of voice recording equipment for recording of telephone conversations, by way of interception of a communication or in any other manner, shall be totally inadmissible in the courts of this state.

(2) Subsection (1) shall not apply where:

(a) Such recording is made in a manner other than by interception and the person whose conversation is being recorded is informed at that time that the conversation is being recorded and that any evidence thereby obtained may be used in a court of law; or such recording is made through a recorder connector provided by the telephone public utility in accordance with its tariffs and which automatically produces a distinctive recorder tone that is repeated at intervals of approximately 15 seconds;

(b) The recording is made by a telephone public utility as defined in s. 196.01 or its officers or employes for the purpose of or incident to the construction, maintenance, conduct or operation of the services and facilities of such public utilities, or to the normal use by such public utilities of the services and facilities furnished to the public by such public utility; or

(c) The recording is made by a fire department or law enforcement agency to determine violations of, and in the enforcement of, s. 941.13 (1).

Approved December 21, 1965.
