

telephonic communication system used for communication exclusively within a state, county, city and county, or city correctional facility.

(f) This section does not apply to the use of hearing aids and similar devices, by persons afflicted with impaired hearing, for the purpose of overcoming the impairment to permit the hearing of sounds ordinarily audible to the human ear.

Added Stats 1967 ch 1509 § 1 p 3585; Amended Stats 1976 ch 1139 § 258, operative July 1, 1977.

Prior Law:

- (a) Former § 653h, as added by Stats 1941 ch 525 § 1 p 1833.
- (b) Former § 653j, as added by Stats 1963 ch 1886 § 1 p 3871.

Amendments:

1976 Amendment: Amended subd (a) by deleting (1) "not exceeding three years" after "state prison" the first time it appears in the first sentence; and (2) "not exceeding five years" after "state prison" the first time it appears in the second sentence.

Former Section: Former § 632, similar to present F & G C §§ 2356-2358, 5505, 5507, 8431-8433, was enacted 1872, amended by Code Amnds 1873-74 ch 305 § 1 p 465, Code Amnds 1875-76 ch 451 § 1 p 114, Stats 1883 ch 43 § 3 p 81, Stats 1895 ch 202 § 20 p 260, Stats 1897 ch 24 § 1 p 20, Stats 1901 ch 50 § 2 p 55, Stats 1903 ch 22 § 3 p 24, Stats 1905 ch 192 § 7 p 188, Stats 1907 ch 239 § 4 p 302, Stats 1911 ch 338 § 3 p 563, Stats 1913 ch 580 § 1 p 1004, Stats 1915 ch 431 § 1 p 716, Stats 1917 ch 681 § 1 p 1247, Stats 1919 ch 246 § 1 p 391, Stats 1921 ch 276 § 1 p 374, Stats 1927 ch 575 § 1 p 964, Stats 1929 ch 727 § 1 p 1332, Stats 1931 ch 605 § 1 p 1305, and repealed by Stats 1933 ch 73 (F & G C § 1421) p 511.

Cross References:

Privileged communications: Ev C §§ 900 et seq.
Open and public meetings of legislative bodies of local agencies: Gov C § 54953.

Collateral References:

Cal Jur 3d Criminal Law §§ 374, 1033, 1086, 3265 et seq.
Cal Digest of Official Reports 3d Series, Privacy §§ 1 et seq.
Am Jur 2d Eavesdropping § 1, Evidence §§ 433-435, Privacy § 40, Telecommunications § 216.

Proof of Facts:

Wiretapping. 29 Am Jur Proof of Facts 591.
Electronic eavesdropping by concealed microphone or microphone-transmitter. 30 Am Jur Proof of Facts 113.

Law Review Articles:

Recording telephone conversations: The problem of participant monitoring. (1974) 8 Bev Hills BJ No. 3, p. 47.
Gesmore, Toward the preservation of personal privacy: Chief Justice Wright's opinions on search and seizure and the right of privacy. (1977) 4 Hast Const LQ 723.
Persons in police station or jail facility as having no reasonable expectation of privacy in their oral communications. 14 Santa Clara Law 144.
The scope of searches incident to traffic arrests in California: Rejecting the Federal Rule. (1974) 9 USF LR 317.

Attorney General's Opinions:

55 Ops Atty Gen 151 (inspectors of Bureau of Food and Drug Inspections not exempt from prohibitions against wiretapping and use of electronic recording and

CERTIFICATE OF SERVICE

I, Lydia N. Hicks, Secretary, at the law firm of Lukas, McGowan, Nace & Gutierrez, Chartered, certify that true copies of the foregoing document were sent this 17th day of September 1992, via first class mail, postage prepaid to the following:

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