

Wiretap Laws in the United States

Companies frequently wish to record telephone conversations related to their operations, customers, or business transactions. In response, the U.S. Congress and most state legislatures have enacted statutes and regulations governing telephone call recording, often requiring the person recording the conversation to provide notice and obtain consent beforehand.

We have conducted a comprehensive review of wiretap laws across all 50 states, the District of Columbia, and Federal law (Electronic Communications Privacy Act). Based on this review, we have created a detailed chart that categorizes the states into all-party consent and one-party consent jurisdictions. This chart also includes information on penalties for violations, statutory exceptions and the minimal notice required in each state.

Consent Requirements

While most states mandate **one-party consent**, which can be given by the recorder if they are part of the conversation, some states require **all parties to consent** to the recording. These laws are typically embedded within state criminal statutes and codes, as call recording is often categorized under eavesdropping, wiretapping, or intercepted communication. As a result, state laws may not explicitly reference telephone call recording, necessitating legal interpretation to determine when and under what conditions recording is permissible by reviewing prohibited actions.

Jurisdictional Issues

When recording a call between parties located in different states, where one state requires one-party consent and the other requires two-party consent, the strictest standard generally applies. This means that obtaining consent from all parties is necessary to ensure compliance with the relevant laws. Therefore, it is prudent to comply with the strictest applicable laws or obtain consent from all parties to avoid legal complications.

Methods for Obtaining Consent

Although some state statutes do not define what constitutes consent, the FCC specifies methods for obtaining consent, including:

- **Verbal or written consent** given before the recording.
- **Verbal notification** before the recording begins (the most common method).
- An **audible beep tone** repeated at regular intervals during the call.

All Party Consent State Wiretap Laws

The following states require the consent of all parties involved in a communication for it to be legally recorded:

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

For these states, any recording of a conversation or communication without the consent of all parties involved is considered illegal and subject to penalties as prescribed by state law.

One Party Consent State Wiretap Laws

The majority of states (37 states and the District of Columbia) follow the "one-party" consent standard. This means a person can legally record a conversation if they are a participant or if one participant consents with full knowledge and notice. Additionally, Federal law (Electronic Communications Privacy Act) mandates the same "one-party" consent requirement.

#	All Party Consent State	Law	Notable Exceptions	Penalties	Private Right of Action? (Y/N)	Auditory (Beep) Notice Alone Permitted?	Permitted Notice & Timing of Notice
1	California	California Penal Code § 632	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) for recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion, kidnapping, bribery, any felony involving violence against the person, including but not limited to, human trafficking, as defined in Section 236.1, or a violation of Section 653m, or domestic violence as defined in Section 13700 of the Penal Code. California Code, Penal Code - PEN § 633.5	Punished by a fine not exceeding two thousand five hundred dollars (\$2,500) per violation, or imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. If the person has previously been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7, or 636, the person shall be punished by a fine not exceeding ten thousand dollars (\$10,000) per violation, by imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. CA Penal Code § 632 (penalty), § 637.2 (civil damages),	Yes	Yes <i>Smith v. LoanMe, Inc.</i>, 11 Cal. 5th 183, 188, 483 P.3d 869, 871 (2021)	- Record with on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>Rojas v. HSBC Card Services Inc.</i> (2023) 93 Cal.App.5th 860, 881–882 [311 Cal.Rptr.3d 393, 412]
2	Connecticut	C.G.S.A. § 52-570d C.G.S.A. §§ 53a-187-189;	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) any officer, employee or agent of a public or private safety agency, as defined in section 28-25, who in the lawful performance of his duties records telephonic communications of an emergency nature. “Public safety agency” means a functional division of a municipality or the state which provides fire fighting, law enforcement, ambulance, medical or other emergency services. “Private safety agency” means any entity, except a municipality or a public safety agency, providing emergency fire, ambulance or medical services. And (5) any person who, as the recipient of a telephonic communication which conveys threats of extortion, bodily harm or other unlawful requests or demands, records such telephonic communication; 1 C.G.S.A. § 52-570d.	C.G.S. §52-570d allows an individual to bring a civil lawsuit against another person for damages if that person records a conversation without obtaining consent from all parties or giving adequate notice about the recording (including attorney’s fees) CT Gen Stat § 53a-189 (penalty), § 52-570d (civil damages)	Yes	Yes (must automatically produce a distinct signal that is repeated at intervals of approximately fifteen seconds during the communication while such instrument, device or equipment is in use) <i>George v. Carusone</i>, 849 F. Supp. 159, 164 (D. Conn. 1994)	- Record with on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)
3	Delaware	Delaware Code Title 11 § 1335 Del. Code Ann. tit. 11, § 2402(c)(4) Del. Code Ann. tit. 11, § 1335(a)(4)	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) for acts by personnel of any telephone or telegraph carrier in the performance of their duties in connection with the construction, maintenance or operation of a telephone or telegraph system. Delaware Code Title 11 § 1335(b)	Class G felony punishable by up to 2 years in a state prison in Delaware. An individual charged with a Class G felony can expect a presumptive bail amount ranging between \$500-\$2,000. Additionally, may recover appropriate relief in a civil action including appropriate preliminary and other equitable or declaratory relief; actual damages, any profits, but in no case less than \$1,000; and reasonable attorney's fees and other litigation costs reasonably incurred.	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words.* (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)*

#	All Party Consent State	Law	Notable Exceptions	Penalties	Private Right of Action? (Y/N)	Auditory (Beep) Notice Alone Permitted?	Permitted Notice & Timing of Notice
				11 DE Code § 2402 (wiretapping criminal penalty), § 2409 (wiretapping civil liability), § 1335 (privacy violation penalty)			
4	Florida	Florida Statute 934.03	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) employees of entities with published emergency telephone numbers or FCC, and for children under 18 years of age who is a party to the communication recording a statement by another party that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child. Fla. Stat. Ann. § 934.03(3)(d)	Preliminary or equitable or declaratory relief as may be appropriate; actual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher; punitive damages; and reasonable attorney's fees and other litigation costs reasonably incurred. FL Stat § 934.03 (penalty)	Yes	No – must have verbal notification to end user as well (not beep notice alone) Florida Op.Atty.Gen., 2012-07, January 25, 2012 (2012 WL 312330).	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)
5	Illinois	720 ILCS 5/14-2 and 5/14-3	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) manufacturers or a suppliers of eavesdropping devices, or a provider of wire or electronic communication services, their agents, employees, contractors, or venders to manufacture, assemble, sell, or possess an eavesdropping device within the normal course of their business for purposes not contrary to this Article or for law enforcement officers and employees of the Illinois Department of Corrections to manufacture, assemble, purchase, or possess an eavesdropping device in preparation for or within the course of their official duties. 720 ILCS 5/14-2(c).	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. Eavesdropping, for a first offense, is a Class 4 felony and, for a second or subsequent offense, is a Class 3 felony. 720 ILCS § 5/14-4, § 5/14- 6 (civil damages)	Yes	Not expressly stated anywhere other than individuals in custody – err on side of caution. <i>People v. Soto</i> , 342 Ill. App. 3d 1005, 796 N.E.2d 690 (2003)	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>U.S. v. Capriotti</i> , 2004 WL 726119 (N.D. Ill. 2004)
6	Maryland	Md. Code Ann., Cts. & Jud. Proc. § 10-402	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) providers of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service Md. Code Ann., Cts. & Jud. Proc. § 10-402(c).	Guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. MD Cts & Jud Pro Code § 10-402 (penalty), § 10-410 (civil damages),	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*
7	Massachusetts	Mass. Gen. Laws Ann. ch. 272, § 99(B)(4);	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) office intercommunication systems an organization uses in the ordinary course of business.	Actual damages but not less than liquidated damages computed at the rate of \$100 per day for each day of violation or \$1000, whichever is higher; punitive damages; and a	Yes	No – must have verbal notification to end user as well	Verbal Notification followed by on-going automated beep.

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		Mass. Gen. Ann. Laws ch. 272, § 99(C)(1)	M.G.L. c. 272, § 99	reasonable attorney's fee and other litigation disbursements reasonably incurred. MA Gen L Ch 272 § 99 (penalty, civil damages)		(not beep notice alone) <i>Com. v. Ennis</i> , 439 Mass. 64, 785 N.E.2d 677 (2003); <i>Griggs-Ryan v. Smith</i> , 904 F.2d 112, 116–17 (1st Cir. 1990)	- Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)
8	Montana	Mont. Code Ann. § 45-8-213	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) public officials or employees, when recording in performance of their duties or individuals speaking at public meetings Mont. Code Ann. § 45-8-213(2)	A person convicted of the offense of violating privacy in communications shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed six months, or both. Mont. Code Ann. § 45-8-213(3)(a).	No	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*
9	Nevada	NRS § 200.620.	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) both (a) one of the parties gives prior consent and (b) there is an emergency situation, it is impractical to obtain a court order, and the recorder petitions a court to ratify the recording within 72 hours. NRS § 200.620.	It is a Category D felony for a person to knowingly and willfully violate these laws. Nev. Rev. Stat. § 200.690(1)(a). Additionally, there is civil liability to the person whose wire or oral communication is intercepted without consent for actual damages or liquidated damages of \$100 per day of violation but not less than \$1,000, whichever is greater; punitive damages; and reasonable costs and attorney's fees. Nev. Rev. Stat. § 200.690(1)(b)(1) to (3).	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*
10	New Hampshire	N.H. Rev. Stat. Ann. § 570-A:2	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) any regulated public utility's dispatch or emergency calls with an automatic, distinct tone that alerts the other party to recording at regular intervals and (5) school board-authorized school bus owners or operators under certain conditions. N.H. Rev. Stat. Ann. § 570-A:2(II).	Class B felony for willful interception or misdemeanor for knowing interception. Violators may also be subject to civil liability. NH Rev Stat § 570-A:2 (penalty), § 570-A:11 (civil damages).	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*

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11	Oregon	Or. Rev. Stat. Ann. § 165.540 Or. Rev. Stat. Ann. § 165.535	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) telephone line subscribers and (5) family members recording in their home.	Illegal recording is a Class A misdemeanor that can also give rise to civil damages. OR Rev Stat § 165.540 (penalty), § 133.739 (civil damages)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*
12	Pennsylvania	18 Pa. C.S.A. §§5703 and 5704	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) companies that record marketing or customer service calls: for the sole purposes of training, quality control, or monitoring, when at least one party consents and if they destroy the recordings within one year unless another law requires a longer retention period, and (5) any public utility's dispatch or emergency calls with an automatic, distinct tone that alerts the other party to recording at regular intervals. 18 Pa. C.S. § 5704	Under Pennsylvania law it is a felony to record an oral or telephone communication without the consent of all parties. Offenders are also subject to civil liability. Actual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation, or \$1,000, whichever is higher; punitive damages; and reasonable attorney's fees and other litigation costs. 18 PA Cons Stat § 5703, § 5704 (penalty), § 5725, § 5747 (civil damages)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>Commonwealth v. Byrd</i>, 2018 PA Super 102, 185 A.3d 1015 (2018)
13	Washington	RCW 9.73.030	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation. RCW 9.73.030	A person so injured shall be entitled to actual damages, including mental pain and suffering endured by him or her on account of violation of the provisions of this chapter, or liquidated damages computed at the rate of one hundred dollars a day for each day of violation, not to exceed one thousand dollars, and a reasonable attorney's fee and other costs of litigation. WA Rev Code § 9.73.080 (penalty), § 9.73.060 (civil damages)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>State v. Archie</i>, 148 Wash. App. 198, 199 P.3d 1005 (2009)

* While we assume this notice is permissible based on other jurisdictions' rulings, there has been no specific evaluation by courts in this state.

#	State Name + District of Columbia	Two Party or One Party Consent?	Law	Notable Exceptions	Penalties	Private Right of Action?	Auditory (Beep) Notice Alone Permitted?	Permitted Notice
1	Federal	One Party	Electronic Communications Privacy Act (18 USC § 2511(2)(d)) 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. Federal wiretapping laws are enforced by the FBI and U.S. Attorney's office	.N/A	Damages (minimum \$10,000 per violation) 18 USC § 2520 Up to 5 years imprisonment. 18 USC § 2511	Yes	N/A	N/A
2	Alabama	One Party	Ala. Code § 13A-11-30(1)	N/A	Illegal recording is a Class A misdemeanor. AL § 13A-11-31 (penalty)	Yes	N/A	N/A
3	Alaska	One Party	Alaska Stat. Ann. § 42.20.300(a)	N/A	It is a Class A misdemeanor in Alaska to record an oral or telephone communication without the consent of at least one party. AK § 42.20.330 (penalty)	Yes	N/A	N/A
4	Arizona	One Party	Ariz. Rev. Stat. Ann. § 13-3012(9);	N/A	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 including damages in an amount that is the greater of either: - The sum of the actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation. - Statutory damages of one hundred dollars a day for each day of the violation.	Yes	N/A	N/A

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					- Statutory damages of ten thousand dollars. Punitive damages in appropriate cases and reasonable attorney fees and other reasonable costs of litigation. AZ Rev Stat § 13-3012 (penalty), § 12-731 (civil damages)			
5	Arkansas	One Party	Ark. Code Ann. § 5-60-120	N/A	It is a Class A misdemeanor in Arkansas for a person to record an oral or telephone communication to which they are not a party. AR Code § 5-60-120 (penalty)	Yes	N/A	N/A
6	California	Two Party	California Penal Code § 632	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) for recording the communication for the purpose of obtaining evidence reasonably believed to relate to the commission by another party to the communication of the crime of extortion, kidnapping, bribery, any felony involving violence against the person, including but not limited to, human trafficking, as defined in Section 236.1, or a violation of Section 653m, or domestic violence as defined in Section 13700 of the Penal Code. California Code, Penal Code - PEN § 633.5	Punished by a fine not exceeding two thousand five hundred dollars (\$2,500) per violation, or imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. If the person has previously been convicted of a violation of this section or Section 631, 632.5, 632.6, 632.7, or 636, the person shall be punished by a fine not exceeding ten thousand dollars (\$10,000) per violation, by imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment. CA Penal Code § 632 (penalty), § 637.2 (civil damages),	Yes	Yes <i>Smith v. LoanMe, Inc.</i>, 11 Cal. 5th 183, 188, 483 P.3d 869, 871 (2021)	- Record with on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>Rojas v. HSBC Card Services Inc.</i> (2023) 93 Cal.App.5th 860, 881–882 [311 Cal.Rptr.3d 393, 412]
7	Colorado	One Party	Colo. Rev. Stat. Ann. § 18-9-303 (1)	N/A	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. CO Rev Stat § 18-9-303 (wiretapping penalty), § 18-9-304 (eavesdropping penalty)	Yes	N/A	N/A
8	Connecticut	Two Party	C.G.S.A. § 52-570d C.G.S.A. §§ 53a-187-189;	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) any officer, employee or agent of a public or private safety agency, as defined in section 28-25, who in the lawful	C.G.S. §52-570d allows an individual to bring a civil lawsuit against another person for damages if that person records a conversation without obtaining consent from all parties or giving adequate notice about the recording (including attorney’s fees)	Yes	Yes (must automatically produce a distinct signal that is repeated at intervals of	- Record with on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”)

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				performance of his duties records telephonic communications of an emergency nature. “Public safety agency” means a functional division of a municipality or the state which provides fire fighting, law enforcement, ambulance, medical or other emergency services. “Private safety agency” means any entity, except a municipality or a public safety agency, providing emergency fire, ambulance or medical services. And (5) any person who, as the recipient of a telephonic communication which conveys threats of extortion, bodily harm or other unlawful requests or demands, records such telephonic communication; 1 C.G.S.A. § 52-570d.	CT Gen Stat § 53a-189 (penalty), § 52-570d (civil damages)		approximately fifteen seconds during the communication while such instrument, device or equipment is in use) <i>George v. Carusone</i>, 849 F. Supp. 159, 164 (D. Conn. 1994)	Verbal notification to end-user. (“This call is being recorded”)
9	Delaware	Two Party	Delaware Code Title 11 § 1335 Del. Code Ann. tit. 11, § 2402(c)(4) Del. Code Ann. tit. 11, § 1335(a)(4)	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) for acts by personnel of any telephone or telegraph carrier in the performance of their duties in connection with the construction, maintenance or operation of a telephone or telegraph system. Delaware Code Title 11 § 1335(b)	Class G felony punishable by up to 2 years in a state prison in Delaware. An individual charged with a Class G felony can expect a presumptive bail amount ranging between \$500-\$2,000. Additionally, may recover appropriate relief in a civil action including appropriate preliminary and other equitable or declaratory relief; actual damages, any profits, but in no case less than \$1,000; and reasonable attorney's fees and other litigation costs reasonably incurred. 11 DE Code § 2402 (wiretapping criminal penalty), § 2409 (wiretapping civil liability), § 1335 (privacy violation penalty)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words.* (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)*
10	District of Columbia	One Party	D.C. Code § 23-542(b)(3)	N/A	Recording or intercepting in-person or phone conversations without the consent of at least one party is punishable by fine and/or imprisonment (not more than 5 years) and can also lead to civil	Yes	N/A	N/A

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					liability in the form of actual and punitive damages. DC Code § 23-542, § 23-554 (civil damages)			
11	Florida	Two Party	Florida Statute 934.03	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) employees of entities with published emergency telephone numbers or FCC, and for children under 18 years of age who is a party to the communication recording a statement by another party that the other party intends to commit, is committing, or has committed an unlawful sexual act or an unlawful act of physical force or violence against the child. Fla. Stat. Ann. § 934.03(3)(d)	Preliminary or equitable or declaratory relief as may be appropriate; actual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation or \$1,000, whichever is higher; punitive damages; and reasonable attorney's fees and other litigation costs reasonably incurred. FL Stat § 934.03 (penalty)	Yes	No – must have verbal notification to end user as well (not beep notice alone) Florida Op.Atty.Gen., 2012-07, January 25, 2012 (2012 WL 312330).	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)
12	Georgia	One Party	Ga. Code Ann. § 16-11-66(a)	N/A	Violations are felonies and can subject the offender to fines not to exceed \$10,000.00, and/or imprisonment not less than one nor more than five years. Ga. Code § 16-11-69 (penalty)	Yes	N/A	N/A
13	Hawaii	One Party	Haw. Rev. Stat. § 803-42(3)(A)	N/A	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 damages suffered by the plaintiff and any profits made by the violator as a result of the violation; or Statutory damages of the greater of \$100 a day for each day of violation or \$10,000; punitive damages, where appropriate; and a reasonable attorney's fee and other litigation costs reasonably incurred. HI Rev Stat § 803-42, § 803-48 (civil damages)	Yes	N/A	N/A
14	Idaho	One Party	Idaho Code Ann. § 18-6702(2)(d)	N/A	In Idaho, recording an oral or phone conversation without the consent of at least one party is a felony that can lead to imprisonment not to exceed five years or by a fine not to exceed five thousand dollars (\$5,000), as well as civil damages including actual damages, but not less than liquidated damages computed at the rate of one hundred dollars (\$100) a day for each day of violation or one thousand dollars (\$1,000), whichever is higher; punitive damages; and a	Yes	N/A	N/A

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					reasonable attorney's fee and other litigation costs reasonably incurred. ID Code § 18-6702, § 18-6709 (civil damages)			
15	Illinois	Two Party	720 ILCS 5/14-2 and 5/14-3	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) manufacturers or a suppliers of eavesdropping devices, or a provider of wire or electronic communication services, their agents, employees, contractors, or venders to manufacture, assemble, sell, or possess an eavesdropping device within the normal course of their business for purposes not contrary to this Article or for law enforcement officers and employees of the Illinois Department of Corrections to manufacture, assemble, purchase, or possess an eavesdropping device in preparation for or within the course of their official duties. 720 ILCS 5/14-2(c).	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. Eavesdropping, for a first offense, is a Class 4 felony and, for a second or subsequent offense, is a Class 3 felony. 720 ILCS § 5/14-4, § 5/14- 6 (civil damages)	Yes	Not expressly stated anywhere other than individuals in custody – err on side of caution. <i>People v. Soto</i> , 342 Ill. App. 3d 1005, 796 N.E.2d 690 (2003)	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>U.S. v. Capriotti</i> , 2004 WL 726119 (N.D. Ill. 2004)
16	Indiana	One Party	Ind. Code Ann. § 35-31.5-2-176	N/A	This offense is a Level 5 felony punishable by fine and/or imprisonment and can also carry civil liability including actual damages; liquidated damages computed at a rate of one hundred dollars (\$100) each day for each day of violation; or one thousand dollars (\$1,000), court costs (including fees), punitive damages, when determined to be appropriate by the court, and reasonable attorney's fees. IN Code § 35-33.5-5-5 (penalty), § 35-33.5-5-4 (civil damages)	Yes	N/A	N/A
17	Iowa	One Party	Iowa Code Ann. § 808B.2 (2)(c)	N/A	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.	Yes	N/A	N/A

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					IA Code § 808B.2 (penalty), § 808B.8 (civil damages)			
18	Kansas	One Party	Kan. Stat. Ann. § 21-6101(1)	N/A	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. KS Stat § 21-6101 (penalty), KS Stat § 22-2518 (civil damages)	Yes	N/A	N/A
19	Kentucky	One Party	Ky. Rev. Stat. Ann. § 526.020	N/A	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. KY Rev Stat § .020 (penalty)	Yes	N/A	N/A
20	Louisiana	One Party	La. Rev. Stat. Ann. § 15:1303(c)(4)	N/A	Violators may be subject to fines, imprisonment, and/or civil damages. LA Rev Stat § 15:1303 (penalties), § 15:1312 (civil damages)	Yes	N/A	N/A
21	Maine	One Party	Me. Rev. Stat. Ann. tit. 15, § 710	N/A	Violations are criminally punishable by jail time and/or fines, and can also be the basis for civil liability. 15 ME Rev Stat § 710 (penalty), § 711 (civil damages)	Yes	N/A	N/A
22	Maryland	Two Party	Md. Code Ann., Cts. & Jud. Proc. § 10-402	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) providers of wire or electronic communication service, whose facilities are used in the transmission of a wire or electronic communication to intercept, disclose, or use that communication in the normal course of his employment while engaged in any activity which is a necessary incident to the rendition of his service or to the protection of the rights or property of the provider of that service Md. Code Ann., Cts. & Jud. Proc. § 10-402(c).	Guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. MD Cts & Jud Pro Code § 10-402 (penalty), § 10-410 (civil damages),	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*

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23	Massachusetts	Two Party	Mass. Gen. Laws Ann. ch. 272, § 99(B)(4); Mass. Gen. Ann. Laws ch. 272, § 99(C)(1)	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) office intercommunication systems an organization uses in the ordinary course of business. M.G.L. c. 272, § 99	Actual damages but not less than liquidated damages computed at the rate of \$100 per day for each day of violation or \$1000, whichever is higher; punitive damages; and a reasonable attorney's fee and other litigation disbursements reasonably incurred. MA Gen L Ch 272 § 99 (penalty, civil damages)	Yes	No – must have verbal notification to end user as well (not beep notice alone) <i>Com. v. Ennis</i> , 439 Mass. 64, 785 N.E.2d 677 (2003); <i>Griggs-Ryan v. Smith</i> , 904 F.2d 112, 116–17 (1st Cir. 1990)	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”)
24	Michigan	One Party	Mich. Comp. Laws Ann. § 750.539(c)	N/A	Violations are considered a felony, and carry potential fines, imprisonment, and civil damages. MI Comp L § 750.539c (penalty), 750.539h (civil damages),	Yes	N/A	N/A
25	Minnesota	One Party	Minn. Stat. Ann. § 626A.02(d)	N/A	Unauthorized recording in violation of this law can lead to jail time, fines, and/or civil liability. MN Stat § 626A.02 (penalty), § 626A.13 (civil damages)	Yes	N/A	N/A
26	Mississippi	One Party	Miss. Code. Ann. § 41-29-531(e)	N/A	Violations can result in fines, imprisonment, and/or civil damages. MS Code § 41-29-533 (penalty), § 41-29-529 (civil damages)	Yes	N/A	N/A
27	Missouri	One Party	Mo. Ann. Stat. § 542.402(2)(3)	N/A	Illegal recording is a felony punishable by fine and/or imprisonment. Offenders are also subject to potential civil liability. MO Rev Stat § 542.402 (penalty), § 542.418 (civil damages)	Yes	N/A	N/A
28	Montana	Two Party	Mont. Code Ann. § 45-8-213	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) public officials or employees, when recording in performance of their duties or individuals speaking at public meetings Mont. Code Ann. § 45-8-213(2)	A person convicted of the offense of violating privacy in communications shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed six months, or both. Mont. Code Ann. § 45-8-213(3)(a).	No	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)*

#	State Name + District of Columbia	Two Party or One Party Consent?	Law	Notable Exceptions	Penalties	Private Right of Action?	Auditory (Beep) Notice Alone Permitted?	Permitted Notice
								Verbal notification to end-user. ("This call is being recorded")*
29	Nebraska	One Party	Neb. Rev. Stat. § 86-290(2)(c)	N/A	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. NE Code § 86-290 (penalty), § 86-297 (civil damages)	Yes	N/A	N/A
30	Nevada	Two Party	NRS § 200.620.	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) both (a) one of the parties gives prior consent and (b) there is an emergency situation, it is impractical to obtain a court order, and the recorder petitions a court to ratify the recording within 72 hours. NRS § 200.620.	It is a Category D felony for a person to knowingly and willfully violate these laws. Nev. Rev. Stat. § 200.690(1)(a). Additionally, there is civil liability to the person whose wire or oral communication is intercepted without consent for actual damages or liquidated damages of \$100 per day of violation but not less than \$1,000, whichever is greater; punitive damages; and reasonable costs and attorney's fees. Nev. Rev. Stat. § 200.690(1)(b)(1) to (3).	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. ("Recording in progress")* - Verbal notification to end-user. ("This call is being recorded")*
31	New Hampshire	Two Party	N.H. Rev. Stat. Ann. § 570-A:2	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) any regulated public utility's dispatch or emergency calls with an automatic, distinct tone that alerts the other party to recording at regular intervals and (5) school board-authorized school bus owners or operators under certain conditions. N.H. Rev. Stat. Ann. § 570-A:2(II).	Class B felony for willful interception or misdemeanor for knowing interception. Violators may also be subject to civil liability. NH Rev Stat § 570-A:2 (penalty), § 570-A:11 (civil damages).	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. ("Recording in progress")* - Verbal notification to end-user. ("This call is being recorded")*
32	New Jersey	One Party	N.J. Stat. Ann. § 2A:156A-4(d)	N/A	Illegal recording is a crime in the third degree and can also provide the basis for civil damages. NJ Rev Stat § 2A:156A-3, § 2A:156A-4 (penalty), § 2A:156A-24 (civil damages)	Yes	N/A	N/A
33	New Mexico	One Party	N.M. Stat. Ann. § 30-12-1(C)	N/A	Illegal recording is a misdemeanor, and can subject offenders to civil damages as well. NM Stat § 30-12-1 (penalty), § 30-12-11 (civil damages)	Yes	N/A	N/A
34	New York	One Party	N.Y. Penal Law § 250.00(1)	N/A	Illegal recording is a felony.	Yes	N/A	N/A

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35	North Carolina	One Party	N.C. Gen. Stat. Ann. § 15A-287(a)	N/A	NY Penal L § 250.00, § 250.05 (penalty) Illegal recording is a felony that can also give rise to civil damages. NC Gen Stat § 15A-287 (penalty), § 15A-296 (civil damages)		N/A	N/A
36	North Dakota	One Party	N.D. Cent. Code § 12.1-15-02	N/A	Illegal recording is a felony. N.D. Cent. Code § 12.1-15-02 (penalty)	Yes	N/A	N/A
37	Ohio	One Party	Ohio Rev. Code Ann. § 2933.52(B)(4)	N/A	Illegal recording is a felony and can also lead to civil liability. Ohio Rev Code § 2933.52 (penalty), § 2933.52 (civil damages)	Yes	N/A	N/A
38	Oklahoma	One Party	Okla. Stat. Ann. tit. 13, § 176.4	N/A	Illegal recording is a felony punishable by fine and/or imprisonment. 13 OK Stat § 13-176.3, § 13-176.4 (penalty)	Yes	N/A	N/A
39	Oregon	Two Party	Or. Rev. Stat. Ann. § 165.540 Or. Rev. Stat. Ann. § 165.535	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) telephone line subscribers and (5) family members recording in their home.	Illegal recording is a Class A misdemeanor that can also give rise to civil damages. OR Rev Stat § 165.540 (penalty), § 133.739 (civil damages)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep.* - Verbal notification to end-user with least amount of words. (“Recording in progress”)* - Verbal notification to end-user. (“This call is being recorded”)*
40	Pennsylvania	Two Party	18 Pa. C.S.A. §§5703 and 5704	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally), (4) companies that record marketing or customer service calls: for the sole purposes of training, quality control, or monitoring, when at least one party consents and if they destroy the recordings within one year unless another law requires a longer retention period, and (5) any public utility's dispatch or emergency calls with an automatic, distinct tone that alerts the other party to recording at regular intervals.	Under Pennsylvania law it is a felony to record an oral or telephone communication without the consent of all parties. Offenders are also subject to civil liability. Actual damages, but not less than liquidated damages computed at the rate of \$100 a day for each day of violation, or \$1,000, whichever is higher; punitive damages; and reasonable attorney's fees and other litigation costs. 18 PA Cons Stat § 5703, § 5704 (penalty), § 5725, § 5747 (civil damages)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>Commonwealth v. Byrd</i> , 2018 PA Super 102, 185 A.3d 1015 (2018)

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				18 Pa. C.S. § 5704				
41	Rhode Island	One Party	R.I. Gen. Laws Ann. § 11-35-21	N/A	Illegal recording is punishable by imprisonment and can also be the basis for civil damages. RI Gen L § 11-35-21 (penalty), § 12-5.1-13 (civil damages)	Yes	N/A	N/A
42	South Carolina	One Party	S.C. Code Ann. § 17-30-30	N/A	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. SC Code § 17-30-20, § 17-30-30 (penalty), § 17-30-135 (civil damages)	Yes	N/A	N/A
43	South Dakota	One Party	S.D. Codified Laws § 23A-35A-20	N/A	Under South Dakota law, it is a felony to record an oral or telephone communication without the consent of at least one party. SD Codified L § 23A-35A-20 (penalty)	Yes	N/A	N/A
44	Tennessee	One Party	Tenn. Code Ann. § 39-13-601	N/A	It is a felony in Tennessee to record an in-person or phone conversation without the consent of at least one party. Offenders may also be subject to civil damages, an injunction, and/or a restraining order. TN Code § 39-13-602 (penalty), § 39-13-603 (civil damages)	Yes	N/A	N/A
45	Texas	One Party	Tex. Penal Code Ann. § 16.02; Tex. Code Crim. Proc. Ann. art. 18.20	N/A	Under Texas law it is a felony to record an oral or electronic communication without the consent of at least one party. Illegal recording may also be the basis for civil liability. Tex. Penal Code § 16.02 (penalty), Tex. Civ. Prac. & Rem. Code § 123.004 (civil damages)	Yes	N/A	N/A
46	Utah	One Party	Utah Code Ann. § 77-23a-4	N/A	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. UT Code § 77-23a-4 (penalty; civil damages), § 77-23b-8 (civil damages)	Yes	N/A	N/A
47	Vermont	N/A	Vermont has not enacted a specific statute to address consent for recording conversations. However, the Vermont Supreme Court has	N/A	N/A	N/A	N/A	N/A

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			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. <i>Vermont v. Geraw</i> , 795 A.2d 1219 (Vt. 2002)					
48	Virginia	One Party	Va. Code Ann. § 19.2-62	N/A	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. VA Code § 19.2-62 (penalty), § 19.2-69 (civil damages)	Yes	N/A	N/A
49	Washington	Two Party	RCW 9.73.030	Exceptions: (1) consent, (2) no reasonable expectation of privacy, (3) law enforcement (generally) and (4) wire communications or conversations (a) of an emergency nature, such as the reporting of a fire, medical emergency, crime, or disaster, or (b) which convey threats of extortion, blackmail, bodily harm, or other unlawful requests or demands, or (c) which occur anonymously or repeatedly or at an extremely inconvenient hour, or (d) which relate to communications by a hostage holder or barricaded person as defined in RCW 70.85.100, whether or not conversation ensues, may be recorded with the consent of one party to the conversation. RCW 9.73.030	A person so injured shall be entitled to actual damages, including mental pain and suffering endured by him or her on account of violation of the provisions of this chapter, or liquidated damages computed at the rate of one hundred dollars a day for each day of violation, not to exceed one thousand dollars, and a reasonable attorney's fee and other costs of litigation. WA Rev Code § 9.73.080 (penalty), § 9.73.060 (civil damages)	Yes	Not expressly stated anywhere – err on side of caution	- Verbal Notification followed by on-going automated beep. - Verbal notification to end-user with least amount of words. (“Recording in progress”) - Verbal notification to end-user. (“This call is being recorded”) <i>State v. Archie</i> , 148 Wash. App. 198, 199 P.3d 1005 (2009)
50	West Virginia	One Party	W. Va. Code Ann. § 62-1D-3	N/A	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. WV Code § 62-1D-3 (penalty), § 62-1D-12 (civil damages)	Yes	N/A	N/A

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51	Wisconsin	One Party	Wis. Stat. Ann. § 968.31	N/A	Under Wisconsin law 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. WI Stat § 968.31 (penalty & civil damages)	Yes	N/A	N/A
52	Wyoming	One Party	Wyo. Stat. Ann. § 7-3-702	N/A	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. WY Stat § 7-3-702 (penalty)	Yes	N/A	N/A

** While we assume this notice is permissible based on other jurisdictions' rulings, there has been no specific evaluation by courts in this state.*