

# HB137 ENROLLED



1 HB137  
2 J723YNF-2  
3 By Representatives Reynolds, Starnes, Sells, Bedsole, Moore  
4 (P), Treadaway, Wood (R), Pettus, Rigsby  
5 RFD: Judiciary  
6 First Read: 04-Feb-25



## HB137 Enrolled

1 Enrolled, An Act,

2  
3 Relating to wiretaps; to amend Sections 20-2B-1 and  
4 20-2B-12, Code of Alabama 1975, and to add Section 20-2B-2.1  
5 to the Code of Alabama 1975, to allow interpreters to monitor  
6 a wire or electronic communication in certain circumstances;  
7 and to repeal Section 20-2B-12, Code of Alabama 1975, thereby  
8 keeping the act in effect indefinitely.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Sections 20-2B-1 and 20-2B-12, Code of  
11 Alabama 1975, are amended to read as follows:

12 "§20-2B-1

13 (a) This chapter shall be known and may be cited as the  
14 Agent Billy Clardy III Act.

15 (b) For the purposes of this chapter, the following  
16 terms have the following meanings:

17 (1) AGENCY. Alabama State Law Enforcement Agency.

18 (2) AGGRIEVED INDIVIDUAL. An individual who was a party  
19 to an intercepted wire or electronic communication or an  
20 individual against whom the interception was directed.

21 (3) ATTORNEY GENERAL. The Attorney General of the State  
22 of Alabama or his or her designee.

23 (4) COMMUNICATION COMMON CARRIER. The term as defined  
24 in 47 U.S.C. § 153(11).

25 (5) COMMUNICATIONS SERVICE PROVIDER. A provider of  
26 communication service as defined in Section 37-2A-2.

27 (6) CONTENTS. When used with respect to a wire or  
28 electronic communication, any information concerning the



## HB137 Enrolled

identity of the parties to the communication or the existence, substance, purport, or meaning of that communication.

(7) ELECTRONIC COMMUNICATION. Any transfer of an electronic or other signal, including any fax signal, computer generated signal, other similar signal, or scrambled or encrypted signal transferred via wire, radio, electromagnetic, photoelectric, or photo optical system from one party to another in which the involved parties may reasonably expect the communication to be private.

(8) ELECTRONIC, MECHANICAL, OR OTHER DEVICE. A device or apparatus primarily designed or used for the nonconsensual interception of wire or electronic communications.

(9) FOREIGN LANGUAGE. Any language not recognized as the official language of this state as provided in Section 36.01 of the Constitution of Alabama of 2022.

~~(9)~~ (10) INTERCEPT. The aural or other acquisition of the contents of a wire or electronic communication through the use of an electronic, mechanical, or other device.

(11) INTERPRETIVE SERVICES. Assistance in interpreting intercepted wire or electronic communications that contain coded language or foreign language and in minimizing the interception of communications that are not subject to interception under this chapter.

~~(10)~~ (12) INVESTIGATIVE OFFICER. A special agent of the agency, a special agent of the Attorney General's office, or any other law enforcement officer of this state designated by the secretary of the agency who meets guidelines established by the secretary and who has successfully completed a training



## HB137 Enrolled

course approved by the Attorney General on the legal and technical aspects of the interception and use of wire or electronic communications.

~~(11)~~ (13) JUDGE OF COMPETENT JURISDICTION. A circuit court judge in the county where the intercept is expected to take place or a circuit court judge designated by the Chief Justice of the Supreme Court or by the Alabama Supreme Court to hear intercept applications or where the interception takes place.

(14) PERSON. An individual, corporation, partnership, company, or other business entity.

~~(12)~~ (15) PROSECUTOR. A district attorney or his or her designee.

(16) QUALIFIED INTERPRETER. An individual who is qualified, through training or experience satisfactory to the secretary, to interpret coded language or a foreign language and who is approved by the secretary to provide interpretive services for an intercept pursuant to Section 20-2B-2.1.

~~(13)~~ (17) SECRETARY. The Secretary of the Alabama State Law Enforcement Agency or his or her designee.

~~(14)~~ (18) WIRE COMMUNICATION. A communication made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception furnished or operated by an individual engaged as a communication common carrier or communications service provider in providing or operating the facilities for the transmission of communications."



## HB137 Enrolled

"§20-2B-12

(a) An individual whose wire or electronic communication is intercepted, disclosed, or used in violation of this chapter shall have a civil cause of action against any ~~individual who~~ person that intercepts, discloses, or uses, or procures another ~~individual~~ person to intercept, disclose, or use, the communication, and ~~is entitled to~~ may recover from the ~~individual or entity which~~ person or persons that engaged in the violation any of the following:

(1) Actual damages.

(2) Punitive damages.

(3) Reasonable attorney's fees and other litigation costs reasonably incurred.

(b) This section does not apply to any of the following individuals if acting in a reasonable manner pursuant to this chapter:

(1) An operator of a switchboard, or an officer, employee, or agent of a communication common carrier or a communications service provider whose facilities are used in the transmission of a wire communication, who intercepts a communication, or who discloses or uses an intercepted communication in the normal course of employment while engaged in an activity that is a necessary incident to the rendition of service or to the protection of the rights or property of the carrier of the communication.

(2) An officer, employee, or agent of a communication common carrier or communications service provider who employs or uses any equipment or device that may be attached to any



## HB137 Enrolled

telephonic equipment of any subscriber which permits the interception and recording of any telephonic communications solely for the purposes of business service improvements.

(3) An officer, employee, or agent of a communication common carrier or communications service provider who provides information, facilities, or technical assistance to an investigative officer who is authorized as provided by this chapter to intercept a wire or electronic communication.

(4) An individual acting under authority of law who intercepts a wire or electronic communication if the individual is a party to the communication, or if one of the parties to the communication has given prior consent to the interception.

(5) An individual not acting under authority of law who intercepts a wire or electronic communication if the individual is a party to the communication, or if one of the parties to the communication has given prior consent to the interception, unless the communication is intercepted for the purpose of committing any criminal or tortious act in violation of the Constitution or laws of the United States or of this state or for the purpose of committing any other injurious act.

(c) A good faith reliance on a court order is a complete defense to any civil cause of action brought under this chapter."

Section 2. Section 20-2B-2.1 is added to the Code of Alabama 1975, to read as follows:

§20-2B-2.1



## HB137 Enrolled

(a) Subject to the approval of the secretary, an intercept authorized pursuant to this chapter may be conducted with the aid of interpretive services in the following circumstances:

(1) In anticipation of intercepting a wire or electronic communication using coded language or a foreign language, one or more qualified interpreters may be present during the intercept, as long as an investigative officer is also present.

(2) If an intercepted communication uses coded language or a foreign language and a qualified interpreter is not available during the intercept, one or more qualified interpreters may provide interpretive services as soon as practicable after the intercept.

(b) Before providing interpretive services, a qualified interpreter who is not a law enforcement officer of this state shall take an oath that he or she will provide a true interpretation in an understandable manner to the best of his or her skill or judgment.

(c) The state may enter into contracts for interpretive services pursuant to this chapter.

Section 3. Section 20-2B-16, Code of Alabama 1975, which provides for the repeal of the Agent Billy Clardy III Act, which creates a state wiretap program, on February 1, 2026, is repealed.

Section 4. This act shall become effective on June 1, 2025.



## HB137 Enrolled

168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202

---

Speaker of the House of Representatives

---

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 18-Feb-25, as amended.

John Treadwell  
Clerk

Senate	<hr/> <b>07-May-25</b> <hr/>	Amended and Passed
House	<hr/> <b>07-May-25</b> <hr/>	Concurred in Senate Amendment