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**SB-325 Cellular telephones: communications interceptions.** (2025-2026)

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CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

**SENATE BILL**

**NO. 325**

Introduced by Senator Niello

February 11, 2025

An act to amend Section 635 of the Penal Code, relating to cellular telephones.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 325, as introduced, Niello. Cellular telephones: communications interceptions.

Existing law makes a person who, among other things, intercepts, receives, or assists in intercepting or receiving, a communication transmitted between cellular radio telephones or between a cellular radio telephone and a landline telephone guilty of a crime, unless consented to by all parties to the communications. Under existing law, subject to specified exceptions, a person who manufactures, assembles, sells, or offers for sale, advertises for sale, possesses, transports, imports, or furnishes to another person a device that is primarily or exclusively designed or intended for eavesdropping upon the communication of another person, in violation of the prohibition described above is punishable by a fine not exceeding \$2,500, by imprisonment in a county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

This bill would make nonsubstantive, technical changes to that latter existing provision.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 635 of the Penal Code is amended to read:

**635.** (a) ~~Every~~ *A* person who manufactures, assembles, sells, offers for sale, advertises for sale, possesses, transports, imports, or furnishes to another ~~any person a~~ device ~~which that~~ is primarily or exclusively designed or intended for eavesdropping upon the communication of ~~another, another person, or any a~~ device ~~which that~~ is primarily or exclusively designed or intended for the unauthorized interception or reception of communications between cellular radio telephones or between a cellular radio telephone and a landline telephone in violation of Section 632.5, or communications between cordless telephones or between a cordless telephone and a landline telephone in violation of Section 632.6, shall be punished by a fine not exceeding two thousand five hundred dollars (\$2,500), by imprisonment in ~~the a~~ county jail not exceeding one year, or in the state prison, or by both that fine

and imprisonment. ~~If the A~~ person *who* has previously been convicted of ~~a violation of violating~~ this ~~section, the person~~ *section* shall be punished by a fine not exceeding ten thousand dollars (\$10,000), by imprisonment in ~~the a~~ county jail not exceeding one year, or in the state prison, or by both that fine and imprisonment.

(b) This section does not apply to either of the following:

(1) An act otherwise prohibited by this section when performed by any of the following:

(A) A communication utility or an officer, employee or agent ~~thereof~~ *of a communication utility* for the purpose of construction, maintenance, conduct, or operation of, or otherwise incident to the use of, the services or facilities of ~~the that~~ utility.

(B) A state, county, or municipal law enforcement agency or an agency of the federal government.

(C) A person engaged in selling devices specified in subdivision (a) for use by, or resale to, ~~agencies~~ *an agency* of a foreign government under terms approved by the federal government, *a* communication ~~utilities, utility,~~ state, county, or municipal law enforcement ~~agencies, or agencies of the agency, or a federal government.~~ *government agency.*

(2) Possession by a subscriber to communication utility service of a device specified in subdivision (a) furnished by the utility pursuant to its tariffs.