

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 57 Session of 2013

INTRODUCED BY ALLOWAY, BREWSTER, ERICKSON, VULAKOVICH, WASHINGTON, SOLOBAY, RAFFERTY, COSTA, DINNIMAN, BROWNE AND SCHWANK, JANUARY 4, 2013

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 16, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, IN WIRE TAPPING AND ELECTRONIC <--
3 SURVEILLANCE, further providing for exceptions to prohibition
4 of interception and disclosure of communications.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 ~~Section 1. Section 5704 of Title 18 of the Pennsylvania <--
8 Consolidated Statutes is amended by adding a paragraph to read:~~

9 SECTION 1. SECTION 5704(16) OF TITLE 18 OF THE PENNSYLVANIA <--

10 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY
11 ADDING A PARAGRAPH TO READ:

12 § 5704. Exceptions to prohibition of interception and
13 disclosure of communications.

14 It shall not be unlawful and no prior court approval shall be
15 required under this chapter for:

16 \* \* \*

17 (16) A LAW ENFORCEMENT OFFICER, WHETHER OR NOT CERTIFIED <--

1 UNDER SECTION 5724 (RELATING TO TRAINING), ACTING IN THE  
2 PERFORMANCE OF HIS OFFICIAL DUTIES TO INTERCEPT AND RECORD AN  
3 ORAL COMMUNICATION BETWEEN INDIVIDUALS IN ACCORDANCE WITH THE  
4 FOLLOWING:

5 (I) AT THE TIME OF THE INTERCEPTION, THE ORAL  
6 COMMUNICATION DOES NOT OCCUR INSIDE THE RESIDENCE ~~†~~OF ANY ~~<--~~  
7 OF THE INDIVIDUALS~~‡~~. ~~<--~~

8 (II) AT THE TIME OF THE INTERCEPTION, THE LAW  
9 ENFORCEMENT OFFICER:

10 (A) IS [OPERATING THE VISUAL OR AUDIBLE WARNING ~~<--~~  
11 SYSTEM OF THE LAW ENFORCEMENT OFFICER'S VEHICLE  
12 AUTHORIZED BY 75 PA.C.S. § 4571 (RELATING TO VISUAL  
13 AND AUDIBLE SIGNALS ON EMERGENCY VEHICLES) OR IS  
14 CLEARLY IDENTIFIABLE AS A LAW ENFORCEMENT OFFICER] IN ~~<--~~  
15 UNIFORM OR OTHERWISE CLEARLY IDENTIFIABLE AS A LAW ~~<--~~  
16 ENFORCEMENT OFFICER;

17 (B) IS IN CLOSE PROXIMITY TO THE INDIVIDUALS'  
18 ORAL COMMUNICATION;

19 (C) IS USING AN ELECTRONIC, MECHANICAL OR OTHER  
20 DEVICE WHICH HAS BEEN APPROVED UNDER SECTION 5706(B)

21 (4) (RELATING TO EXCEPTIONS TO PROHIBITIONS IN  
22 POSSESSION, SALE, DISTRIBUTION, MANUFACTURE OR  
23 ADVERTISEMENT OF ELECTRONIC, MECHANICAL OR OTHER  
24 DEVICES) TO INTERCEPT THE ORAL COMMUNICATION[, THE  
25 RECORDER OF WHICH IS MOUNTED IN THE LAW ENFORCEMENT  
26 OFFICER'S VEHICLE]; AND

27 (D) INFORMS, AS SOON AS REASONABLY PRACTICABLE,  
28 THE INDIVIDUALS IDENTIFIABLY PRESENT THAT HE HAS  
29 INTERCEPTED AND RECORDED THE ORAL COMMUNICATION.

30 (III) AS USED IN THIS PARAGRAPH, [THE FOLLOWING

1 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM  
2 IN THIS SUBPARAGRAPH:

3 "LAW ENFORCEMENT OFFICER." A] THE TERM "LAW  
4 ENFORCEMENT OFFICER" MEANS A MEMBER OF THE PENNSYLVANIA  
5 STATE POLICE OR AN INDIVIDUAL EMPLOYED AS A POLICE  
6 OFFICER WHO HOLDS A CURRENT CERTIFICATE UNDER 53 PA.C.S.  
7 CH. 21 SUBCH. D (RELATING TO MUNICIPAL POLICE EDUCATION  
8 AND TRAINING).

9 ["RECORDER." AN ELECTRONIC, MECHANICAL OR OTHER  
10 DEVICE USED TO STORE AN ORAL COMMUNICATION ON TAPE OR ON  
11 SOME OTHER COMPARABLE MEDIUM.]

12 \* \* \*

13 (18) A person to intercept oral communications for  
14 disciplinary or security purposes on a school bus or school  
15 vehicle, as those terms are defined in 75 Pa.C.S. § 102  
16 (relating to definitions), if all of the following conditions  
17 are met:

18 (i) The school board has adopted a policy that  
19 authorizes audio interception on school buses or school  
20 vehicles for disciplinary or security purposes.

21 (ii) Each school year, the school board notifies  
22 students and their parents or guardians of the policy, by  
23 letter mailed to the students' home addresses.

24 (iii) The school board posts a notice that students  
25 may be audiotaped, which notice is clearly visible on  
26 each school bus or school vehicle that is furnished with  
27 audio-recording equipment.

28 This paragraph shall not apply when a school bus or school  
29 vehicle is used for a purpose that is not school related.

30 Section 2. This act shall take effect ~~immediately.~~ AS

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1 FOLLOWS:

2 (1) THE AMENDMENT OF 18 PA.C.S. § 5704(16) SHALL TAKE  
3 EFFECT IN 60 DAYS.

4 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
5 IMMEDIATELY.