

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 682 Session of
1989

INTRODUCED BY HECKLER, CALTAGIRONE, S. H. SMITH, J. L. WRIGHT,
MELIO, CORNELL, CORRIGAN, CLYMER, DEMPSEY, HESS, JACKSON,
HAGARTY, HALUSKA, FOX, McVERRY, NAHILL, MARKOSEK, ARGALL,
GLADECK, CARLSON, BELARDI, FAIRCHILD, PETRARCA, ANGSTADT,
J. TAYLOR, JOHNSON, SAURMAN, WOGAN, PHILLIPS, ROBBINS,
TRELLO, MERRY, RAYMOND, KASUNIC, MARSICO, MRKONIC, COLAFELLA,
B. SMITH, RYBAK, BIRMELIN, E. Z. TAYLOR, TIGUE AND JAMES,
MARCH 7, 1989

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 1989

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for wiretapping in
3 relation to the offense of dealing in infant children.

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

6 Section 1. Section 5708(a) of Title 18 of the Pennsylvania
7 Consolidated Statutes, amended October 21, 1988 (P.L., No.115),
8 is amended to read:

9 § 5708. Order authorizing interception of wire, electronic or
10 oral communications.

11 (a) Authorization.--Except in cases referred to in
12 subsection (b), the Attorney General, or, during the absence or
13 incapacity of the Attorney General, a deputy attorney general
14 designated in writing by the Attorney General, or the district
15 attorney or, during the absence or incapacity of the district

1 attorney, an assistant district attorney designated in writing
2 by the district attorney of the county wherein the interception
3 is to be made, may make written application to any Superior
4 Court judge for an order authorizing the interception of a wire,
5 electronic or oral communication by the investigative or law
6 enforcement officers or agency having responsibility for an
7 investigation involving suspected criminal activities when such
8 interception may provide evidence of the commission of any of
9 the following offenses, or may provide evidence aiding in the
10 apprehension of the perpetrator or perpetrators of any of the
11 following offenses:

12 (1) Under this title:

13 Section 911 (relating to corrupt organizations)

14 Section 2501 (relating to criminal homicide)

15 Section 2502 (relating to murder)

16 Section 2503 (relating to voluntary manslaughter)

17 Section 2706 (relating to terroristic threats)

18 Section 2901 (relating to kidnapping)

19 Section 3121 (relating to rape)

20 Section 3123 (relating to involuntary deviate sexual
21 intercourse)

22 Section 3301 (relating to arson and related offenses)

23 Section 3302 (relating to causing or risking
24 catastrophe)

25 Section 3502 (relating to burglary)

26 Section 3701 (relating to robbery)

27 Section 3921 (relating to theft by unlawful taking or
28 disposition)

29 Section 3922 (relating to theft by deception)

30 Section 3923 (relating to theft by extortion)

1 Section 4305 (relating to dealing in infant children)

2 Section 4701 (relating to bribery in official and
3 political matters)

4 Section 4702 (relating to threats and other improper
5 influence in official and political matters)

6 Section 5512 (relating to lotteries, etc.)

7 Section 5513 (relating to gambling devices, gambling,
8 etc.)

9 Section 5514 (relating to pool selling and
10 bookmaking)

11 (2) Under this title, where such offense is dangerous to
12 life, limb or property and punishable by imprisonment for
13 more than one year:

14 Section 3925 (relating to receiving stolen property)

15 Section 3926 (relating to theft of services)

16 Section 3927 (relating to theft by failure to make
17 required disposition of funds received)

18 Section 4108 (relating to commercial bribery and
19 breach of duty to act disinterestedly)

20 Section 4109 (relating to rigging publicly exhibited
21 contest)

22 Section 4902 (relating to perjury)

23 Section 4909 (relating to witness or informant taking
24 bribe)

25 Section 4911 (relating to tampering with public
26 records or information)

27 Section 4952 (relating to intimidation of witnesses
28 or victims)

29 Section 4953 (relating to retaliation against witness
30 or victim)

1 Section 5101 (relating to obstructing administration
2 of law or other governmental function)

3 Section 5504 (relating to harassment by communication
4 or address)

5 Section 5902 (relating to prostitution and related
6 offenses)

7 (3) Under the act of March 4, 1971 (P.L.6, No.2), known
8 as the Tax Reform Code of 1971, where such offense is
9 dangerous to life, limb or property and punishable by
10 imprisonment for more than one year:

11 Section 1272 (relating to sales of unstamped
12 cigarettes)

13 Section 1273 (relating to possession of unstamped
14 cigarettes)

15 Section 1274 (relating to counterfeiting)

16 (4) Any offense set forth under section 13(a) of the act
17 of April 14, 1972 (P.L.233, No.64), known as The Controlled
18 Substance, Drug, Device and Cosmetic Act, not including the
19 offense described in clause (31) of section 13(a).

20 (5) Any offense set forth under the act of November 15,
21 1972 (P.L.1227, No.272).

22 (6) Any conspiracy to commit any of the offenses set
23 forth in this section.

24 * * *

25 Section 2. This act shall take effect immediately.