

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1031

Session of
1993

INTRODUCED BY MAYERNIK, PESCI, ARMSTRONG, VAN HORNE, KAISER,
FAJT, KREBS, PRESTON, TIGUE, WOZNIAK, HARLEY, WOGAN,
TOMLINSON, B. SMITH, TRELLO, CLARK, GERLACH, ROONEY, KELLER,
PISTELLA, LAUGHLIN AND McCALL, MARCH 29, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 11, 1994

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing an exception to the
3 prohibition of interception and disclosure of communications;
4 and authorizing law enforcement officers to record certain
5 audio and video communications.

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

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

10 § 5704. Exceptions to prohibition of interception and
11 disclosure of communications.

12 It shall not be unlawful under this chapter for:

13 * * *

14 (13) A law enforcement officer who stops a vehicle for
15 an alleged violation of Title 75 (relating to vehicles) while
16 on duty and utilizing an audio or video device to record the
17 audio or video communications occurring between that law
18 enforcement officer and any other person recorded on the

1 audio or video recording.

2 Section 2. Sections 5708 and 5717 of Title 18 are amended by
3 adding subsections to read:

4 § 5708. Order authorizing interception of wire, electronic or
5 oral communications.

6 * * *

7 (c) Order not necessary.--No order shall be required for
8 recording any audio communication under section 5704(13)
9 (relating to exceptions to prohibition of interception and
10 disclosure of communications).

11 § 5717. Disclosure or use of contents of wire, electronic or
12 oral communications or derivative evidence.

13 * * *

14 (d) Limitation on certain interceptions.--Any audio
15 communications recorded under section 5704(13) (relating to
16 exceptions to prohibition of interception and disclosure of
17 communications) and any evidence derived therefrom shall be
18 admissible only when giving testimony under oath or affirmation
19 in any proceeding in any court of this Commonwealth on matters
20 relating to alleged misconduct by any individual ~~appearing in~~ <—
21 ~~recording~~ RECORDED ON THE AUDIO OR VIDEO RECORDING. <—

22 Section 3. This act shall take effect in 60 days.