



HOUSE COMMITTEE ON APPROPRIATIONS
2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 72

PRINTER'S NO: 54

PRIME SPONSOR: Marsico

| FISCAL IMPACT SUMMARY | FY 2009/10 | FY 2010/11 |
|---|------------|------------|
| Expenditure Increase/(Decrease): | | |
| General Fund | \$0 | \$0 |

OVERVIEW:

House Bill 72 makes changes to the Wiretapping and Electronic Surveillance Control Act (Act 164 of 1978). This legislation would amend the Act by having it apply to wire communication service providers outside the Commonwealth providing they conduct business within the Commonwealth.

The Act is also amended to authorize any individual with knowledge of any wire, electronic, or oral communication to disclose such knowledge to an investigative or law enforcement officer provided it was obtained under another's state's laws or the laws of the Federal government. Contents of a nonconsensual interception authorized by the law of the Federal government or another state shall not be admissible unless the interception was authorized by a court upon a finding of probable cause that the target of surveillance is engaged or will engage in a violation of the criminal laws of the Federal government or any state.

House Bill 72 provides for the sealing of an ex parte order issued to an investigative or law enforcement officer requiring the disclosure of the contents of electronic communications in electronic storage.

The Act is also amended to extend the time period for use of a pen register (which tracks all outgoing or dialed calls) and a trap and trace device (which tracks all incoming calls) from 30 to 60 days.

This bill takes effect in 60 days.

ANALYSIS:

The enactment of House Bill 72 will not have an adverse impact on Commonwealth funds.

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DATE: July 1, 2009

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*