

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1150 Session of
1997

INTRODUCED BY HANNA, WOGAN, BELARDI, DALEY, TRAVAGLIO AND
SERAFINI, OCTOBER 29, 1997

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 29, 1997

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, further providing for
3 interception and disclosure of communications; and further
4 providing for windshield obstructions and wipers.

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 paragraphs to read:

9 § 5704. Exceptions to prohibition of interception and
10 disclosure of communications.

11 It shall not be unlawful under this chapter for:

12 * * *

13 (15) A law enforcement officer who has the authority to
14 enforce Title 75 (relating to vehicles) or any other
15 violation of law and who stops a vehicle for a suspected
16 violation of the law while on duty and utilizing a vehicle-
17 mounted videotape recorder to videotape the confrontation
18 occurring between that law enforcement officer and any other

1 person present at the location of, and during, the vehicle
2 stop. During the time of the vehicle stop, or as soon as
3 practicable, the officer shall notify the driver and other
4 occupants and any other person identifiably present, that the
5 confrontation is being videotaped. Evidence obtained on a
6 vehicle-mounted videotape recorder as a result of a stop
7 under this paragraph and in accordance with section 5717(d)
8 shall not be excluded in a civil or criminal proceeding. A
9 police department, agency or office shall not by order,
10 regulation or otherwise require an officer to activate a
11 videotape recorder mounted or carried in the officer's
12 vehicle except in the following situations:

13 (i) When the law enforcement officer makes use of
14 the audible warning system authorized by 75 Pa.C.S. §
15 4571 (relating to visual and audible signals on emergency
16 vehicles).

17 (ii) When the law enforcement officer is making use
18 of the visual signals authorized by 75 Pa.C.S. § 4571.

19 (iii) When the law enforcement officer is making use
20 of the audible warning system and visual signals.

21 (16) Nothing in this section shall prohibit a law
22 enforcement officer who has a reasonable suspicion that a
23 crime has recently been committed, is being committed or is
24 about to be committed from utilizing a vehicle-mounted
25 videotape recorder in accordance with paragraph (15).

26 Section 2. Section 5717 of Title 18 is amended by adding a
27 subsection to read:

28 § 5717. Disclosure or use of contents of wire, electronic or
29 oral communications or derivative evidence.

30 * * *

1 (d) Limitation on certain interceptions.--A videotape made
2 under section 5704(15) (relating to exceptions to prohibition of
3 interception and disclosure of communications) and evidence
4 derived from the videotape shall be admissible only when giving
5 testimony under oath or affirmation in a proceeding in a court
6 of this Commonwealth on matters relating to alleged misconduct
7 by any individual recorded on the videotape.

8 Section 3. Section 4524 of Title 75 is amended by adding a
9 subsection to read:

10 § 4524. Windshield obstructions and wipers.

11 * * *

12 (f) Exception for video equipment in police or sheriff
13 vehicles.--This section does not prevent the installation or use
14 of video recording or projection equipment that has been
15 approved by the department upon the windshield or any window of
16 a police or sheriff vehicle used exclusively for official
17 purposes.

18 Section 4. The addition of 18 Pa.C.S. §§ 5704(15) and
19 5717(d) shall apply to actions commenced on or after the
20 effective date of this act.

21 Section 5. This act shall take effect in 60 days.