

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 2400** Session of
2012

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CREIGHTON, MAY 21, 2012

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 5, 2012

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions, for
3 exceptions to prohibition of interception and disclosure of
4 communications, for possession, sale, distribution,
5 manufacture or advertisement of electronic, mechanical or
6 other devices, for issuance of order and effect; providing
7 for target-specific orders; and further providing for
8 emergency hostage and barricade situations, for investigative
9 disclosure or use of contents of wire, electronic or oral
10 communications or derivative evidence, for evidentiary
11 disclosure of contents of intercepted communication or
12 derivative evidence, for requirements for governmental
13 access, for cost reimbursement, for mobile tracking devices,
14 for application for an order for use of certain devices and
15 for issuance of an order for use of certain devices.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The definitions of "electronic communication
19 service," "electronic communication system," "oral
20 communication," "trap and trace device" and "wire communication"

1 in section 5702 of Title 18 of the Pennsylvania Consolidated
2 Statutes are amended and the section is amended by adding
3 definitions to read:

4 § 5702. Definitions.

5 As used in this chapter, the following words and phrases
6 shall have the meanings given to them in this section unless the
7 context clearly indicates otherwise:

8 * * *

9 "Communication service." Any service which provides to users
10 the ability to send or receive wire or electronic
11 communications.

12 "Communication system." Any wire, radio, electromagnetic,
13 photo-optical or photoelectronic facilities for the transmission
14 of communications, and any computer facilities or related
15 electronic equipment for the electronic storage of such
16 communications.

17 "Constructive notice." Notice provided by any means
18 sufficient to apprise a reasonable person that an oral
19 communication is or may be subject to interception.

20 * * *

21 "Crime of violence." Any of the following:

22 (1) Any of the following crimes:

23 (i) Murder in any degree.

24 (ii) A crime of violence as defined in 42 Pa.C.S. §
25 9714(g) (relating to sentences for second and subsequent
26 offenses).

27 (iii) Intimidation of witness or victim.

28 (iv) Retaliation against witness, victim or party.

29 (v) Criminal attempt, criminal conspiracy or
30 criminal solicitation to commit any of the offenses under



1 this paragraph.

2 (2) Any crime requiring registration under 42 Pa.C.S.
3 Ch. 97 Subch. H (relating to registration of sexual
4 offenders).

5 (3) Any offense equivalent to an offense under paragraph
6 (1) or (2) under the laws of this Commonwealth in effect at
7 the time of the commission of that offense or under the laws
8 of another jurisdiction.

9 * * *

10 ["Electronic communication service." Any service which
11 provides to users the ability to send or receive wire or
12 electronic communications.

13 "Electronic communication system." Any wire, radio,
14 electromagnetic, photo-optical or photoelectronic facilities for
15 the transmission of electronic communications, and any computer
16 facilities or related electronic equipment for the electronic
17 storage of such communications.]

18 * * *

19 "Mobile communications tracking information." Information
20 generated by a communication common carrier or a communication
21 service which indicates the location of an electronic device
22 supported by the communication common carrier or communication
23 service.

24 * * *

25 "Oral communication." Any oral communication uttered by a
26 person possessing an expectation that such communication is not
27 subject to interception under circumstances justifying such
28 expectation. An expectation is not justified if it is
29 objectively reasonable that what is spoken will or could be
30 overheard by another person not directly participating in the

1 communication, if actual or constructive notice has been given
2 that audio recording or other interception is or may be
3 occurring or if equipment commonly used for video and audio
4 recording is plainly visible. The term does not include any
5 electronic communication.

6 * * *

7 "Signed, written record." A memorialization of the contents
8 of any wire, electronic or oral communication intercepted in
9 accordance with this subchapter, including the name of the
10 investigative or law enforcement officer who transcribed the
11 record, kept in electronic, paper or any form. The signature of
12 the transcribing officer shall not be required to be written,
13 but may be electronic.

14 * * *

15 "Trap and trace device." A device which captures the
16 incoming electronic or other impulses which identify the
17 originating number of an instrument or device from which a wire
18 or [electronic] communication was transmitted. The term includes
19 caller ID, deluxe caller ID or any other features available to
20 ascertain the telephone number, location or subscriber
21 information of a facility contacting the facility whose
22 communications are to be intercepted.

23 * * *

24 "Wire communication." Any aural transfer made in whole or in
25 part through the use of facilities for the transmission of
26 communication by wire, cable or other like connection between
27 the point of origin and the point of reception, including the
28 use of such a connection in a switching station, furnished or
29 operated by a telephone, telegraph or radio company for hire as
30 a communication common carrier. [The term includes any

1 electronic storage of such communication.]

2 Section 2. Section 5704(2)(ii), (12)(ii), (13)(i)(B) and
3 (14)(i)(B) of Title 18 are amended, paragraph (2) is amended by
4 adding a subparagraph and the section is amended by adding a
5 paragraph to read:

6 § 5704. Exceptions to prohibition of interception and
7 disclosure of communications.

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

10 * * *

11 (2) Any investigative or law enforcement officer or any
12 person acting at the direction or request of an investigative
13 or law enforcement officer to intercept a wire, electronic or
14 oral communication involving suspected criminal activities,
15 including, but not limited to, the crimes enumerated in
16 section 5708 (relating to order authorizing interception of
17 wire, electronic or oral communications), where:

18 (i) the communication was knowingly transmitted in
19 any fashion to a third party by its author or another
20 sender and an investigative or law enforcement officer
21 legally obtains FROM THE THIRD PARTY the communication or ←
22 a copy of the communication or the device to which it is
23 sent from the third party. Notwithstanding any other ←
24 provision of this chapter, an investigative or law
25 enforcement officer may contemporaneously intercept and
26 respond to communications sent to a third party, if he
27 has legally obtained the device to which the
28 communications are being sent, without disclosing his
29 identity to the sender or author;

30 (ii) one of the parties to the communication has

1 given prior consent to such interception. However, no
2 interception under this paragraph shall be made unless
3 the Attorney General or a deputy attorney general
4 designated in writing by the Attorney General, or the
5 district attorney, or an assistant district attorney
6 designated in writing by the district attorney, of the
7 county wherein the interception is to be [made]
8 initiated, has reviewed the facts and is satisfied that
9 the consent is voluntary and has given prior approval for
10 the interception; however, such interception shall be
11 subject to the recording and record keeping requirements
12 of section 5714(a) (relating to recording of intercepted
13 communications) and that the Attorney General, deputy
14 attorney general, district attorney or assistant district
15 attorney authorizing the interception shall be the
16 custodian of recorded evidence obtained therefrom;

17 * * *

18 (12) Any investigative or law enforcement officer or any
19 person acting at the direction or request of an investigative
20 or law enforcement officer to intercept a wire or oral
21 communication involving suspected criminal activities where
22 the officer or the person is a party to the communication and
23 there is reasonable cause to believe that:

24 * * *

25 (ii) that party:

26 (A) [will] may resist with the use of weapons;

27 or

28 (B) is threatening suicide or harm to himself or

29 others.

30 (13) An investigative officer, a law enforcement officer

1 or employees of the Department of Corrections for State
2 correctional facilities to intercept, record, monitor or
3 divulge any telephone calls from or to an inmate in a
4 facility under the following conditions:

5 (i) The Department of Corrections shall adhere to
6 the following procedures and restrictions when
7 intercepting, recording, monitoring or divulging any
8 telephone calls from or to an inmate in a State
9 correctional facility as provided for by this paragraph:

10 * * *

11 (B) Unless otherwise provided for in this
12 paragraph, after intercepting or recording a
13 telephone conversation, only the superintendent,
14 warden or a designee of the superintendent or warden
15 or other chief administrative official or his or her
16 designee, or law enforcement officers shall have
17 access to that recording.

18 * * *

19 (14) An investigative officer, a law enforcement officer
20 or employees of a county correctional facility to intercept,
21 record, monitor or divulge any telephone calls from or to an
22 inmate in a facility under the following conditions:

23 (i) The county correctional facility shall adhere to
24 the following procedures and restrictions when
25 intercepting, recording, monitoring or divulging any
26 telephone calls from or to an inmate in a county
27 correctional facility as provided for by this paragraph:

28 * * *

29 (B) Unless otherwise provided for in this
30 paragraph, after intercepting or recording a

1 telephone conversation, only the superintendent,
2 warden or a designee of the superintendent or warden
3 or other chief administrative official or his or her
4 designee, or law enforcement officers shall have
5 access to that recording.

6 * * *

7 (17) Any individual to intercept the contents of any
8 wire, electronic or oral communication if that person is
9 under a reasonable suspicion that the intercepted party is
10 committing, about to commit or has committed a crime of
11 violence or felony of the first degree and there is reason to
12 believe that evidence of the crime may be obtained from the
13 interception. This paragraph shall not apply to interceptions
14 made at the prior direction of any law enforcement officer.

15 Section 3. Section 5705 heading of Title 18 is amended and
16 the section is amended by adding a paragraph to read:

17 § 5705. Possession, sale, distribution, manufacture or
18 advertisement of electronic, mechanical or other
19 devices and telecommunication identification
20 interception devices.

21 Except as otherwise specifically provided in section 5706
22 (relating to exceptions to prohibitions in possession, sale,
23 distribution, manufacture or advertisement of electronic,
24 mechanical or other devices), a person is guilty of a felony of
25 the third degree if he does any of the following:

26 * * *

27 (5) ~~Knowingly~~ INTENTIONALLY possesses a
28 telecommunication identification interception device.

29 Section 4. Sections 5712(a) introductory paragraph and (f)
30 of Title 18 are amended to read:



1 § 5712. Issuance of order and effect.

2 (a) Authorizing orders.--[Each] An order authorizing the
3 interception of any wire, electronic or oral communication shall
4 state the following:

5 * * *

6 (f) Assistance.--An order authorizing the interception of a
7 wire, electronic or oral communication shall, upon request of
8 the applicant, direct that a provider of [electronic]
9 communication service shall furnish the applicant forthwith all
10 information, facilities and technical assistance necessary to
11 accomplish the interception unobtrusively and with a minimum of
12 interference with the services that such service provider is
13 affording the person whose communications are to be intercepted.
14 The obligation of a provider of [electronic] communication
15 service under such an order may include, but is not limited to,
16 installation of a pen register or of a trap and trace device
17 [and], providing caller ID, deluxe caller ID or any other
18 features available to ascertain the telephone number, location
19 or subscriber information of a facility contacting the facility
20 whose communications are to be intercepted, disclosure of a
21 record or other information otherwise available under section
22 5743 (relating to requirements for governmental access),
23 including conducting an in-progress trace during an
24 interception, provided that such obligation of a provider of
25 [electronic] communications service is technologically feasible.
26 The order shall apply regardless of whether the electronic
27 service provider is headquartered within this Commonwealth, if
28 the interception is otherwise conducted within this Commonwealth
29 as provided under this chapter. The order regarding disclosure
30 of a record or other information otherwise available under

1 section 5743 shall apply to all electronic service providers who
2 service facilities which contact or are contacted by the
3 facility whose communications are to be intercepted, regardless
4 of whether the order specifically names any provider of
5 communication service. The order may specify the period of time
6 an electronic service provider has to furnish to the applicant
7 who requests disclosure of a record or other information
8 otherwise available under section 5743. Any provider of
9 [electronic] communication service furnishing such facilities or
10 technical assistance shall be compensated therefor by the
11 applicant for reasonable expenses incurred in providing the
12 facilities or assistance. The service provider shall be immune
13 from civil and criminal liability for any assistance rendered to
14 the applicant pursuant to this section.

15 * * *

16 Section 5. Title 18 is amended by adding a section to read:
17 § 5712.1. Target-specific orders.

18 (a) Target-specific wiretaps.--The requirements of sections
19 5712(a)(3) (relating to issuance of order and effect) and
20 5709(3)(iv) and (v) (relating to application for order) shall
21 not apply if:

22 (1) In the case of an application with respect to the
23 interception of an oral communication, all of the following
24 apply:

25 (i) The application contains a full and complete
26 statement as to why specification is not practical and
27 identifies the person committing the offense and whose
28 communications are to be intercepted.

29 (ii) The judge finds the specification is not
30 practical.

1 (2) In the case of an application with respect to a wire
2 or electronic communication, all of the following apply:

3 (i) The application identifies the person believed
4 to be committing the offense and whose communications are
5 to be intercepted and the applicant makes a showing that
6 there is probable cause to believe that the person's
7 actions could have the effect of thwarting interception
8 by changing facilities or devices.

9 (ii) The judge finds that the purpose has been
10 adequately shown.

11 (b) Supplementary orders.--Following the issuance of a
12 target-specific wiretap order, the judge shall sign
13 supplementary orders upon request and in a timely manner,
14 authorizing the investigative or law enforcement officers or
15 agency to intercept additional communications devices or
16 facilities upon a showing of reasonable suspicion that all of
17 the following apply:

18 (1) The target of the original order has in fact changed
19 communications devices or facilities or is presently using
20 additional communications devices, communications facilities
21 or places.

22 (2) The target of the original order is likely to use
23 the specified communications device or facility for criminal
24 purposes similar to or related to those specified in the
25 original order.

26 (c) Application for supplementary orders.--An application
27 for a supplementary order shall contain all of the following:

28 (1) The identity of the investigative or law enforcement
29 officers or agency to whom the authority to intercept wire,
30 electronic or oral communications is given and the name and

1 official identity of the person who made the application.

2 (2) The identity of or a particular description of the
3 person, if known, whose communications are to be intercepted.

4 (3) The period of time during which the interception is
5 authorized, including a statement as to whether or not the
6 interception shall automatically terminate when the described
7 communication has been first obtained.

8 (4) A showing of reasonable suspicion that the target of
9 the original order has in fact changed communications devices
10 or facilities.

11 (5) A showing of reasonable suspicion that the target of
12 the original order is likely to use the additional facility
13 or device or place for criminal purposes similar to or
14 related to those specified in the original order.

15 (d) Time limits.--A supplementary order shall not act as an
16 extension of the time limit identified in section 5712(b).

17 (e) Responsibility.--The order shall require the Attorney
18 General or the district attorney, or their designees, to be
19 responsible for the supervision of the interception.

20 (f) Progress reports.--If an order authorizing an
21 interception is entered, the order may require reports to be
22 made to the judge who issued the order showing what progress has
23 been made toward achievement of the authorized objective and the
24 need for continued interception. The reports shall be made at
25 intervals as the judge may require.

26 (g) Final report.--If an interception is authorized under
27 this section, a complete written list of names of participants
28 and evidence of offenses discovered, including those not stated
29 in the application for order, shall be filed with the court as
30 soon as practical after the authorized interception is

1 terminated.

2 (h) Assistance.--

3 (1) An order authorizing the interception of a wire,
4 electronic or oral communication shall, upon request of the
5 applicant, direct that a provider of communication service
6 furnish the applicant with all information, facilities and
7 technical assistance necessary to accomplish the interception
8 unobtrusively and with a minimum of interference with the
9 services that the service provider is affording the person
10 whose communications are to be intercepted.

11 (2) The obligation of a provider of communication
12 service under an order may include installation of a pen
13 register or trap and trace device and disclosure of a record
14 or other information otherwise available under section 5743
15 (relating to requirements for governmental access), including
16 conducting an in-progress trace during an interception, if
17 the obligation of a provider of communications service is
18 technologically feasible.

19 (3) A provider of communication service furnishing
20 facilities or technical assistance shall be compensated by
21 the applicant for reasonable expenses incurred in providing
22 the facilities or assistance.

23 (4) A service provider shall be immune from civil and
24 criminal liability for any assistance rendered to an
25 applicant under this section.

26 (i) Entry by law enforcement officers.--An order authorizing
27 the interception of a wire, electronic or oral communication
28 shall, if requested, authorize the entry of premises or
29 facilities specified under subsection (c) (3) or premises
30 necessary to obtain access to the premises or facilities

1 specified under subsection (c) (3) by law enforcement officers
2 specified under subsection (c) (1) as often as necessary solely
3 for the purposes of installing, maintaining or removing an
4 electronic, mechanical or other device, if all of the following
5 apply:

6 (1) The entry is reasonably necessary to accomplish the
7 purposes of this subchapter.

8 (2) The judge who issues the order is notified of the
9 time and method of each entry prior to entry within 48 hours
10 of entry.

11 Section 6. Section 5713.1(d) of Title 18 is amended to read:
12 § 5713.1. Emergency hostage and barricade situations.

13 * * *

14 (d) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection:

17 "Emergency situation." Any situation where:

18 (1) a person is holding a hostage and is threatening
19 serious physical injury [will] and may resist with the use of
20 weapons; or

21 (2) a person has barricaded himself and taken a position
22 of confinement to avoid apprehension and:

23 (i) has [threatened] the ability to resist with the
24 use of weapons; or

25 (ii) is threatening suicide or harm to himself or
26 others.

27 "Supervising law enforcement officer."

28 (1) For designations by a district attorney, any law
29 enforcement officer trained pursuant to section 5724

30 (relating to training) to carry out interceptions under this

1 section who has attained the rank of lieutenant or higher in
2 a law enforcement agency within the county or who is in
3 charge of a county law enforcement agency.

4 (2) For designations by the Attorney General, any member
5 of the Pennsylvania State Police trained pursuant to section
6 5724 to carry out interceptions under this section and
7 designated by the Commissioner of the Pennsylvania State
8 Police who:

9 (i) has attained the rank of lieutenant or higher;

10 or

11 (ii) is in charge of a Pennsylvania State Police
12 barracks.

13 Section 7. Section 5717(a) of Title 18 is amended and the
14 section is amended by adding subsections to read:

15 § 5717. Investigative disclosure or use of contents of wire,
16 electronic or oral communications or derivative
17 evidence.

18 (a) Law enforcement personnel.--Any investigative or law
19 enforcement officer who, under subsection (a.1) [or (b)], (a.2),
20 (b) or (c), has obtained knowledge of the contents of any wire,
21 electronic or oral communication, or evidence derived therefrom,
22 may disclose such contents or evidence to another investigative
23 or law enforcement officer to the extent that such disclosure is
24 appropriate to the proper performance of the official duties of
25 the officer making or receiving the disclosure.

26 * * *

27 (a.2) Civilians.--Any person other than an investigative or
28 law enforcement officer who, as party to the communication, has
29 obtained knowledge of the contents of any wire, electronic or
30 oral communication, or evidence derived from any wire,

1 electronic or oral communication, may disclose the contents or
2 evidence to an investigative or law enforcement officer, if the
3 contents or evidence is evidence of a crime of violence or a
4 felony of the first degree.

5 * * *

6 (c) Otherwise authorized personnel.--Any person who, by any
7 means authorized by the laws of another state or the Federal
8 Government, has obtained knowledge of the contents of any wire,
9 electronic or oral communication, or evidence derived from any
10 wire, electronic or oral communication, may disclose the
11 contents or evidence to an investigative or law enforcement
12 officer and may disclose the contents or evidence where
13 otherwise admissible while giving testimony under oath or
14 affirmation in any proceeding in any court of this Commonwealth.

15 Section 8. Section 5721.1(a) of Title 18 is amended by
16 adding a paragraph to read:

17 § 5721.1. Evidentiary disclosure of contents of intercepted
18 communication or derivative evidence.

19 (a) Disclosure in evidence generally.--

20 * * *

21 (4) Notwithstanding any provisions of this subchapter
22 AND IF THE KNOWLEDGE WAS OBTAINED FROM A PERSON NOT ACTING AT ←
23 THE DIRECTION OR WITH THE KNOWLEDGE AND CONSENT OF LAW
24 ENFORCEMENT, any law enforcement or investigative officer who
25 has obtained knowledge of the contents of any wire,
26 electronic or oral communication, or evidence derived from
27 any wire, electronic or oral communication, may disclose the
28 contents or evidence in any matter related to any criminal,
29 quasi-criminal, forfeiture, administrative enforcement or
30 professional disciplinary proceedings as follows:

1 (i) In any court, board or agency of this
2 Commonwealth, another state or the United States.

3 (ii) Before any Federal or state grand jury or
4 investigating grand jury on the condition that the ←
5 knowledge was obtained from a person not acting at the
6 direction or with the knowledge and consent of law
7 enforcement.

8 * * *

9 Section 9. Section 5743(a) and (b) of Title 18 are amended
10 to read:

11 § 5743. Requirements for governmental access.

12 (a) Contents of [electronic] communications in electronic
13 storage.--Investigative or law enforcement officers may require
14 the disclosure by a provider of [electronic] communication
15 service of the contents of [an electronic] a communication which
16 is in electronic storage in [an electronic] a communication
17 system for:

18 (1) One hundred eighty days or less only pursuant to a
19 warrant issued under the Pennsylvania Rules of Criminal
20 Procedure.

21 (2) More than 180 days by the means available under
22 subsection (b).

23 (b) Contents of [electronic] communications in a remote
24 computing service.--

25 (1) Investigative or law enforcement officers may
26 require a provider of remote computing service to disclose
27 the contents of any [electronic] communication to which this
28 paragraph is made applicable by paragraph (2):

29 (i) without required notice to the subscriber or
30 customer if the investigative or law enforcement officer

1 obtains a warrant issued under the Pennsylvania Rules of
2 Criminal Procedure; or

3 (ii) with prior notice from the investigative or law
4 enforcement officer to the subscriber or customer if the
5 investigative or law enforcement officer:

6 (A) uses an administrative subpoena authorized
7 by a statute or a grand jury subpoena; or

8 (B) obtains a court order for the disclosure
9 under subsection (d);

10 except that delayed notice may be given pursuant to section
11 5745 (relating to delayed notice).

12 (2) Paragraph (1) is applicable with respect to [an
13 electronic] a communication which is held or maintained on
14 that service:

15 (i) On behalf of and received by means of electronic
16 transmission from, or created by means of computer
17 processing of communications received by means of
18 electronic transmission from, a subscriber or customer of
19 the remote computing service.

20 (ii) Solely for the purpose of providing storage or
21 computer processing services to the subscriber or
22 customer, if the provider is not authorized to access the
23 contents of any such communication for the purpose of
24 providing any services other than storage or computer
25 processing.

26 * * *

27 Section 10. Section 5746 of Title 18 is amended by adding a
28 subsection to read:

29 § 5746. Cost reimbursement.

30 * * *

1 (d) Regulations.--The Attorney General shall promulgate
2 regulations to implement this section.

3 Section 11. Sections 5761(b) and (c)(4), 5772(a) and 5773(a)
4 and (c) of Title 18 are amended to read:

5 § 5761. Mobile tracking devices.

6 * * *

7 (b) Jurisdiction.--Orders permitted by this section may
8 authorize the use of mobile tracking devices [within the
9 jurisdiction of the court of common pleas, and outside that
10 jurisdiction,] if the device is installed and monitored within
11 [the jurisdiction of the court of common pleas.] this
12 Commonwealth. The court issuing the order must have jurisdiction
13 over the offense under investigation.

14 (c) Standard for issuance of order.--An order authorizing
15 the use of one or more mobile tracking devices may be issued to
16 an investigative or law enforcement officer by the court of
17 common pleas upon written application. Each application shall be
18 by written affidavit, signed and sworn to or affirmed before the
19 court of common pleas. The affidavit shall:

20 * * *

21 (4) provide a statement setting forth all facts and
22 circumstances which provide the applicant with [a reasonable
23 suspicion] probable cause that criminal activity has been, is
24 or will be in progress and that the use of a mobile tracking
25 device will yield information relevant to the investigation
26 of the criminal activity.

27 * * *

28 § 5772. Application for an order for use of certain devices.

29 (a) Application.--The Attorney General or a deputy attorney
30 general designated in writing by the Attorney General or a



1 district attorney or an assistant district attorney designated
2 in writing by the district attorney may make application for an
3 order or an extension of an order under section 5773 (relating
4 to issuance of an order for use of certain devices) authorizing
5 or approving disclosure of mobile communications tracking
6 information or, if necessary, the production and disclosure of
7 mobile communications tracking information, the installation and
8 use of a pen register, a trap and trace device or a
9 telecommunication identification interception device under this
10 subchapter, in writing, under oath or equivalent affirmation, to
11 a court of common pleas having jurisdiction over the offense
12 under investigation or to any Superior Court judge when an
13 application for an order authorizing interception of [wire or
14 electronic] communications is or has been made for the targeted
15 telephone or another application for interception under this
16 subchapter has been made involving the same investigation.

17 * * *

18 § 5773. Issuance of an order for use of certain devices.

19 (a) In general.--Upon an application made under section 5772
20 (relating to application for an order for use of certain
21 devices), the court shall enter an ex parte order authorizing
22 the disclosure of mobile communications tracking information,
23 the installation and use of a pen register, a trap and trace
24 device or a telecommunication identification interception device
25 within [the jurisdiction of the court if the court] this
26 Commonwealth if the court finds that there is probable cause to
27 believe that information relevant to an ongoing criminal
28 investigation will be obtained by such installation and use on
29 the targeted telephone. If exigent circumstances exist, the
30 court may verbally authorize the disclosure of mobile

1 communications tracking information, the installation and use of
2 a pen register, a trap and trace device or a telecommunication
3 identification interception device. The written order
4 authorizing the disclosure must be entered within 72 hours of
5 the court's verbal authorization.

6 * * *

7 (c) Time period and extensions.--

8 (1) An order issued under this section shall authorize
9 the installation and use of a pen register, trap and trace
10 device or a telecommunication identification interception
11 device for a period not to exceed [30] 60 days.

12 (2) Extensions of such an order may be granted but only
13 upon an application for an order under section 5772 and upon
14 the judicial finding required by subsection (a). The period
15 of each extension shall be for a period not to exceed 30
16 days.

17 * * *

18 Section 12. This act shall take effect in 60 days.