
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 181

Session of
1979

INTRODUCED BY SCIRICA, BERSON, KNEPPER, RHODES, ZWIKL AND YOHN,
FEBRUARY 6, 1979

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 1979

AN ACT

1 Requiring law enforcement authorities to use subpoenas duces
2 tecum in lieu of search warrants, except in certain
3 extraordinary circumstances.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the "Third Party
8 Search Protection Act."

9 Section 2. Limitation on the use of search warrants.

10 Subject to the exceptions found in section 3, any law
11 enforcement officer who has probable cause to believe that
12 evidence of a crime is located on or about premises in which the
13 owner or occupant thereof has a reasonable expectation of
14 privacy shall attempt to secure that evidence only through a
15 subpoena duces tecum.

16 Section 3. When search warrants may be used.

17 A search warrant may be issued upon probable cause, to search
18 for and seize only the following:

1 (1) Contraband, the fruits of a crime, or things
2 otherwise criminally possessed.

3 (2) Property which is or has been used as the means of
4 committing a criminal offense.

5 Section 4. The right to challenge a subpoena.

6 No person challenging a subpoena under this act, or
7 otherwise, may be held in contempt for noncompliance with the
8 subpoena unless he has first been afforded an opportunity for a
9 hearing on the merits of his challenge.

10 Section 5. Effective date.

11 This act shall take effect in 60 days.