

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2726 Session of
2008

INTRODUCED BY VEREB, MARSICO, CALTAGIRONE, REICHLEY, ADOLPH, ARGALL, BAKER, BARRAR, BASTIAN, BEAR, BENNINGHOFF, BEYER, BLACKWELL, BOYD, BUXTON, CAUSER, CLYMER, COSTA, CUTLER, DALEY, DALLY, DENLINGER, ELLIS, J. EVANS, EVERETT, FAIRCHILD, FLECK, GABIG, GERGELY, GIBBONS, GODSHALL, GOODMAN, GRELL, HALUSKA, HARHAI, HARHART, HARPER, HARRIS, HELM, HENNESSEY, HERSHEY, HICKERNELL, HORNAMAN, HUTCHINSON, JOSEPHS, KAUFFMAN, M. KELLER, W. KELLER, KENNEY, KILLION, KORTZ, KOTIK, KULA, LENTZ, MACKERETH, MAHER, MANTZ, MARSHALL, McGEEHAN, MCILHATTAN, MENSCH, MICOZZIE, R. MILLER, MOUL, MOYER, MUNDY, MURT, MUSTIO, NAILOR, NICKOL, D. O'BRIEN, M. O'BRIEN, O'NEILL, PASHINSKI, PAYNE, PAYTON, PERRY, PERZEL, PHILLIPS, PICKETT, PYLE, QUIGLEY, QUINN, RAPP, RAYMOND, REED, ROAE, ROCK, ROSS, RUBLEY, SABATINA, SAINATO, SAYLOR, SCAVELLO, SCHRODER, SHAPIRO, SIPTROTH, S. H. SMITH, SOLOBAY, SONNEY, STEIL, STERN, R. STEVENSON, STURLA, SWANGER, TANGRETTI, J. TAYLOR, R. TAYLOR, TRUE, TURZAI, VULAKOVICH, WATSON, WOJNAROSKI AND YUDICHAK, AUGUST 21, 2008

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 21, 2008

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for requirements for
3 governmental access.

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

6 Section 1. Section 5743(c)(1) of Title 18 of the
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 5743. Requirements for governmental access.

9 * * *

10 (c) Records concerning electronic communication service or

1 remote computing service.--

2 (1) Except as provided in paragraph (2), a provider of
3 electronic communication service or remote computing service
4 may disclose a record or other information pertaining to a
5 subscriber to or customer of the service, not including the
6 contents of communication covered by subsection (a) or (b),
7 to any person other than an investigative or law enforcement
8 officer[.] as follows:

9 (i) At the request of a subscriber or customer and
10 pursuant to the provisions of the service agreement with
11 the service provider.

12 (ii) Upon receipt of a written authorization of the
13 subscriber or customer of the service to release the
14 information to a third party.

15 (iii) Upon receipt of a court order approved by a
16 court of competent jurisdiction based on a showing that
17 the information is material to the preparation for a
18 proceeding and that the request is reasonable. The
19 subscriber or customer and the service provider shall
20 receive notice from the person requesting the information
21 and shall have standing as parties to any proceeding
22 under this subparagraph.

23 * * *

24 Section 2. This act shall take effect immediately.