THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1545 Session of 2008

INTRODUCED BY RAFFERTY AND ORIE, SEPTEMBER 5, 2008

REFERRED TO JUDICIARY, SEPTEMBER 5, 2008

AN ACT

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

5   The General Assembly of the Commonwealth of Pennsylvania

6 hereby enacts as follows:

7   Section 1. Section 5743 (c)(1) of Title 18 of the

8 Pennsylvania Consolidated Statutes is amended and the subsection

9 is amended by adding a paragraph to read:

10 § 5743. Requirements for governmental access.

11   * * *

12   (c) Records concerning electronic communication service or

13 remote computing service.--

14   (1) Except as provided in paragraph (2), a provider of

15   electronic communication service or remote computing service

16   may disclose a record or other information pertaining to a

17   subscriber to or customer of the service, not including the

18   contents of communication covered by subsection (a) or (b),

1   to any person other than an investigative or law enforcement

2   officer[.] as follows:

3   (i) At the request of a subscriber or customer and

4   pursuant to the provisions of the service agreement with

5   the service provider.

6   (ii) Upon receipt of a written authorization of the

7   subscriber or customer of the service to release such

8   information to a third party.

9   (iii) Upon receipt of a court order approved by a

10   court of competent jurisdiction based on a showing that

11   such information is material to the preparation for a

12   proceeding and that the request is reasonable.

13   (1.1) The subscriber or customer and the service

14   provider shall receive notice from the person requesting such

15   information and have standing as parties to any proceeding

16   under this subsection.

17   * * *

18   Section 2. This act shall take effect immediately.