

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 57 Session of  
2013

INTRODUCED BY ALLOWAY, BREWSTER, ERICKSON, VULAKOVICH,  
WASHINGTON, SOLOBAY, RAFFERTY, COSTA, DINNIMAN, BROWNE AND  
SCHWANK, JANUARY 4, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 19, 2013

## AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for exceptions to  
3 prohibition of interception and disclosure of communications.

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

6 ~~Section 1. Section 5704 of Title 18 of the Pennsylvania~~ <--  
7 ~~Consolidated Statutes is amended by adding a paragraph to read:~~

8 SECTION 1. SECTION 5704(16) OF TITLE 18 OF THE PENNSYLVANIA <--  
9 CONSOLIDATED STATUTES IS AMENDED AND THE SECTION IS AMENDED BY  
10 ADDING A PARAGRAPH TO READ:

11 § 5704. Exceptions to prohibition of interception and  
12 disclosure of communications.

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

15 \* \* \*

16 (16) A LAW ENFORCEMENT OFFICER, WHETHER OR NOT CERTIFIED <--  
17 UNDER SECTION 5724 (RELATING TO TRAINING), ACTING IN THE

1 PERFORMANCE OF HIS OFFICIAL DUTIES TO INTERCEPT AND RECORD AN  
2 ORAL COMMUNICATION BETWEEN INDIVIDUALS IN ACCORDANCE WITH THE  
3 FOLLOWING:

4 (I) AT THE TIME OF THE INTERCEPTION, THE ORAL  
5 COMMUNICATION DOES NOT OCCUR INSIDE THE RESIDENCE OF ANY  
6 OF THE INDIVIDUALS.

7 (II) AT THE TIME OF THE INTERCEPTION, THE LAW  
8 ENFORCEMENT OFFICER:

9 (A) IS OPERATING THE VISUAL OR AUDIBLE WARNING  
10 SYSTEM OF THE LAW ENFORCEMENT OFFICER'S VEHICLE  
11 AUTHORIZED BY 75 PA.C.S. § 4571 (RELATING TO VISUAL  
12 AND AUDIBLE SIGNALS ON EMERGENCY VEHICLES) OR IS  
13 CLEARLY IDENTIFIABLE AS A LAW ENFORCEMENT OFFICER;

14 (B) IS IN CLOSE PROXIMITY TO THE INDIVIDUALS'  
15 ORAL COMMUNICATION;

16 (C) IS USING AN ELECTRONIC, MECHANICAL OR OTHER  
17 DEVICE WHICH HAS BEEN APPROVED UNDER SECTION 5706(B)

18 (4) (RELATING TO EXCEPTIONS TO PROHIBITIONS IN  
19 POSSESSION, SALE, DISTRIBUTION, MANUFACTURE OR  
20 ADVERTISEMENT OF ELECTRONIC, MECHANICAL OR OTHER  
21 DEVICES) TO INTERCEPT THE ORAL COMMUNICATION[, THE  
22 RECORDER OF WHICH IS MOUNTED IN THE LAW ENFORCEMENT  
23 OFFICER'S VEHICLE]; AND

24 (D) INFORMS, AS SOON AS REASONABLY PRACTICABLE,  
25 THE INDIVIDUALS IDENTIFIABLY PRESENT THAT HE HAS  
26 INTERCEPTED AND RECORDED THE ORAL COMMUNICATION.

27 (III) AS USED IN THIS PARAGRAPH, [THE FOLLOWING  
28 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM  
29 IN THIS SUBPARAGRAPH:

30 "LAW ENFORCEMENT OFFICER." A] THE TERM "LAW

1        ENFORCEMENT OFFICER" MEANS A MEMBER OF THE PENNSYLVANIA  
2        STATE POLICE OR AN INDIVIDUAL EMPLOYED AS A POLICE  
3        OFFICER WHO HOLDS A CURRENT CERTIFICATE UNDER 53 PA.C.S.  
4        CH. 21 SUBCH. D (RELATING TO MUNICIPAL POLICE EDUCATION  
5        AND TRAINING).

6        ["RECORDER." AN ELECTRONIC, MECHANICAL OR OTHER  
7        DEVICE USED TO STORE AN ORAL COMMUNICATION ON TAPE OR ON  
8        SOME OTHER COMPARABLE MEDIUM.]

9        \* \* \*

10       (18) A person to intercept oral communications for  
11       disciplinary or security purposes on a school bus or school  
12       vehicle, as those terms are defined in 75 Pa.C.S. § 102  
13       (relating to definitions), if all of the following conditions  
14       are met:

15           (i) The school board has adopted a policy that  
16           authorizes audio interception on school buses or school  
17           vehicles for disciplinary or security purposes.

18           (ii) Each school year, the school board notifies  
19           students and their parents or guardians of the policy, by  
20           letter mailed to the students' home addresses.

21           (iii) The school board posts a notice that students  
22           may be audiotaped, which notice is clearly visible on  
23           each school bus or school vehicle that is furnished with  
24           audio-recording equipment.

25       This paragraph shall not apply when a school bus or school  
26       vehicle is used for a purpose that is not school related.

27       Section 2. This act shall take effect ~~immediately.~~ AS

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28       FOLLOWS:

29           (1) THE AMENDMENT OF 18 PA.C.S. § 5704(16) SHALL TAKE  
30       EFFECT IN 60 DAYS.

1           (2)   THE REMAINDER OF THIS ACT SHALL TAKE EFFECT  
2   IMMEDIATELY.