



House of Representatives

Commonwealth of Pennsylvania

TO: All House Members

DATE: January 3, 2011

FROM: Representative Mario Scavello

SUBJECT: Amendment to Pennsylvania's Wiretap Act (Former HB 1308)

I am planning to re-introduce legislation which proposes to amend Pennsylvania's Wiretap Act, Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, setting forth exceptions to prohibition of interception and disclosure of communications.

The present exceptions to prohibition of interception and disclosure of communication are found in section 5704 of Title 18(Crimes and Offenses). The present exception in Pennsylvania's statute allows a person, to intercept a wire, electronic or oral communication, where all parties to the communication have given prior consent to such interception. My proposed change conforms Pennsylvania's statute to Federal law and would change the exception to allow for only one of the parties to the communication to have given prior consent to the interception unless the communication is intercepted for the purpose of committing any criminal or tortuous act. The following states require one party consent: Alabama, Alaska, Arizona, Arkansas, Colorado, D.C., Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Ohio, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

If you would like to join me in sponsoring this bill, please contact Kendra Snuffer at ksnuffer@pahousegop.com or 787-7732.

PRIOR CO-SPONSORS TO HB 1308: CREIGHTON, CUTLER, GINGRICH, HENNESSEY, KORTZ, MOUL, SIPTROTH, WATSON, and WHEATLEY.