



Commonwealth of Pennsylvania
House of Representatives

M E M O R A N D U M

TO : All House Members
FROM : Hon. Will Tallman
SUBJECT : TSA Legislation
DATE : January 24, 2011

WJT

I am currently preparing to introduce legislation to create a criminal offense for indecent assault during a body search.

As you may know, the federal Transportation Security Administration (TSA) has begun to employ thorough pat-downs, which involve TSA employees touching sensitive areas of passengers' bodies in the course of airport security screening. I and my family have personally endured this type of body search prior to boarding an airplane, and I believe that a search of this nature is humiliating, inappropriate, and possibly unconstitutional. I do not believe we should force someone to go through the full body scan as multiple studies have indicated an increase in testicular and breast cancer, especially in the young and elderly.

My bill is intended to compliment legislation that has been introduced in Congress by Representative Ron Paul. His federal legislation would specify that federal employees and contractors are not immune from prosecution for subjecting a person to a body search or body scanning as a condition for boarding an airplane. This legislation would protect our rights under the 10th amendment to the US Constitution.

This legislation would make it a misdemeanor of the third degree to contact sensitive areas of a person's body during the course of a body search. Peace officers (public employees with the authority to make arrests for offenses), corrections officers and county parole or probation officers would not be prosecuted, if 1) the person being searched is under arrest; 2) a warrant has been issued to search a specific person; 3) probable cause exists to search a specific person; 4) the person being searched is lawfully incarcerated at a correctional facility; or 5) the person being searched has been lawfully assigned to parole or probation.

If you are interested in cosponsoring this resolution, please contact my office at 3-8875 or email Jodi Addington at jaddingt@pahousegop.com.

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