
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 191

Session of
1977

INTRODUCED BY HILL, COPPERSMITH, DWYER AND SWEENEY,
FEBRUARY 7, 1977

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, SEPTEMBER 12, 1978

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, relating to furnishing cigarettes,~~
3 ~~cigarette paper or tobacco to persons under sixteen years of~~
4 ~~age.~~

5 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <—
6 CONSOLIDATED STATUTES, MAKING CERTAIN REPEALS AND ADDING NEW
7 PROVISIONS RELATING TO WIRETAPPING AND ELECTRONIC
8 SURVEILLANCE.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 ~~Section 1. Sections 6305 and 6306 of Title 18, act of~~ <—
12 ~~November 25, 1970 (P.L.707, No.230), known as the Pennsylvania~~
13 ~~Consolidated Statutes, are amended to read:~~

14 ~~§ 6305. Sale of tobacco.~~

15 ~~A person is guilty of a summary offense if he sells tobacco,~~
16 ~~in any form, to any minor under the age of 16 years, or by~~
17 ~~purchase, gift or other means, furnishes tobacco, in any form,~~
18 ~~to a minor under the age of 16 years.]~~

19 ~~§ 6306. Furnishing cigarettes, [or] cigarette papers or~~
20 ~~tobacco.~~

1 ~~(a) Offense defined. A person commits an offense if he~~
2 ~~furnishes to any [minor,] person under the age of 16 years, by~~
3 ~~gift, sale or otherwise, any cigarettes, [or] cigarette paper or~~
4 ~~tobacco, in any form.~~

5 ~~(b) Grading. Whoever commits an offense under this section~~
6 ~~shall, upon being convicted thereof in a summary proceeding, be~~
7 ~~sentenced [for the first offense] to pay a fine not exceeding~~
8 ~~[\$25 and for the second offense shall be fined not exceeding~~
9 ~~\$100; and for the third or subsequent offense shall be guilty of~~
10 ~~a misdemeanor of the third degree] \$50.~~

11 ~~Section 2. This act shall take effect in 60 days.~~

12 SECTION 1. CHAPTER 57 OF TITLE 18, ACT OF NOVEMBER 25, 1970 <—
13 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED
14 STATUTES, IS REPEALED.

15 SECTION 2. TITLE 18 IS AMENDED BY ADDING A CHAPTER TO READ:

16 CHAPTER 57

17 WIRETAPPING AND ELECTRONIC SURVEILLANCE

18 SEC.

19 5701. SHORT TITLE.

20 5702. DEFINITIONS.

21 5703. INTERCEPTION, DISCLOSURE OR USE OF WIRE OR ORAL
22 COMMUNICATIONS.

23 5704. EXCEPTIONS TO PROHIBITION ON INTERCEPTION AND DISCLOSURE
24 OF COMMUNICATIONS.

25 5705. POSSESSION, SALE, DISTRIBUTION, MANUFACTURE OR
26 ADVERTISEMENT OF INTERCEPTING DEVICES.

27 5706. EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE,
28 DISTRIBUTION, MANUFACTURE OR ADVERTISEMENT OF
29 INTERCEPTING DEVICES.

30 5707. SEIZURE AND FORFEITURE OF INTERCEPTING DEVICES.

1 5708. ORDER AUTHORIZING INTERCEPTION OF WIRE OR ORAL
2 COMMUNICATIONS.
3 5709. APPLICATION FOR ORDER.
4 5710. GROUNDS FOR ENTRY OF ORDER.
5 5711. PRIVILEGED COMMUNICATIONS.
6 5712. ISSUANCE OF ORDER AND EFFECT.
7 5713. EMERGENCY SITUATIONS.
8 5714. RECORDING OF INTERCEPTED COMMUNICATIONS.
9 5715. SEALING OF APPLICATIONS, ORDERS AND SUPPORTING PAPERS.
10 5716. SERVICE OF INVENTORY AND INSPECTION OF INTERCEPTED
11 COMMUNICATIONS.
12 5717. DISCLOSURE OR USE OF CONTENTS OF WIRE OR ORAL
13 COMMUNICATIONS OR DERIVATIVE EVIDENCE.
14 5718. INTERCEPTION OF COMMUNICATIONS RELATING TO OTHER
15 OFFENSES.
16 5719. UNLAWFUL USE OR DISCLOSURE OF EXISTENCE OF ORDER
17 CONCERNING INTERCEPTED COMMUNICATION.
18 5720. SERVICE OF COPY OF ORDER AND APPLICATION BEFORE
19 DISCLOSURE OF INTERCEPTED COMMUNICATION IN TRIAL,
20 HEARING OR PROCEEDING.
21 5721. SUPPRESSION OF CONTENTS OF INTERCEPTED COMMUNICATION OR
22 DERIVATIVE EVIDENCE.
23 5722. REPORT BY ISSUING OR DENYING JUDGE.
24 5723. ANNUAL REPORTS AND RECORDS OF ATTORNEY GENERAL AND
25 DISTRICT ATTORNEYS.
26 5724. TRAINING.
27 5725. CIVIL ACTION FOR UNLAWFUL INTERCEPTION, DISCLOSURE
28 OR USE OF WIRE OR ORAL COMMUNICATION.
29 5726. ACTION FOR REMOVAL FROM OFFICE OR EMPLOYMENT.
30 5727. GOOD FAITH RELIANCE ON A COURT ORDER AS DEFENSE.

1 § 5701. SHORT TITLE.

2 THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE
3 "WIRETAPPING AND ELECTRONIC SURVEILLANCE CONTROL ACT."

4 § 5702. DEFINITIONS.

5 AS USED IN THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES
6 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
7 CONTEXT CLEARLY INDICATES OTHERWISE:

8 "AGGRIEVED PERSON." A PERSON WHO WAS A PARTY TO ANY
9 INTERCEPTED WIRE OR ORAL COMMUNICATION OR A PERSON AGAINST WHOM
10 THE INTERCEPTION WAS DIRECTED.

11 "COMMUNICATION COMMON CARRIER." ANY PERSON ENGAGED AS A
12 COMMON CARRIER FOR HIRE, IN INTRASTATE, INTERSTATE OR FOREIGN
13 COMMUNICATION BY WIRE OR RADIO OR IN INTRASTATE, INTERSTATE OR
14 FOREIGN RADIO TRANSMISSION OF ENERGY; HOWEVER, A PERSON ENGAGED
15 IN RADIO BROADCASTING SHALL NOT, WHILE SO ENGAGED, BE DEEMED A
16 COMMON CARRIER.

17 "CONTENTS." AS USED WITH RESPECT TO ANY WIRE OR ORAL
18 COMMUNICATION, IS ANY INFORMATION CONCERNING THE IDENTITY OF THE
19 PARTIES TO SUCH COMMUNICATION OR THE EXISTENCE, SUBSTANCE,
20 PURPORT, OR MEANING OF THAT COMMUNICATION.

21 "COURT." THE COURT OF COMMON PLEAS.

22 "IN-PROGRESS TRACE." THE DETERMINATION OF THE ORIGIN OF A
23 TELEPHONIC COMMUNICATION TO A KNOWN TELEPHONE DURING AN
24 INTERCEPTION.

25 "INTERCEPT." AURAL ACQUISITION OF THE CONTENTS OF ANY WIRE
26 OR ORAL COMMUNICATION THROUGH THE USE OF ANY ELECTRONIC,
27 MECHANICAL OR OTHER DEVICE.

28 "INTERCEPTING DEVICE." ANY DEVICE OR APPARATUS, INCLUDING AN
29 INDUCTION COIL, THAT CAN BE USED TO INTERCEPT A WIRE OR ORAL
30 COMMUNICATION OTHER THAN:

1 (1) ANY TELEPHONE OR TELEGRAPH INSTRUMENT, EQUIPMENT OR
2 FACILITY, OR ANY COMPONENT THEREOF, FURNISHED TO THE
3 SUBSCRIBER OR USER BY A COMMUNICATION COMMON CARRIER IN THE
4 ORDINARY COURSE OF ITS BUSINESS, OR PURCHASED BY ANY PERSON,
5 AND BEING USED BY THE SUBSCRIBER, USER, OR PERSON IN THE
6 ORDINARY COURSE OF ITS BUSINESS; OR BEING USED BY A
7 COMMUNICATION COMMON CARRIER IN THE ORDINARY COURSE OF ITS
8 BUSINESS, OR BY AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER
9 IN THE ORDINARY COURSE OF HIS DUTIES; OR

10 (2) A HEARING AID OR SIMILAR DEVICE BEING USED TO
11 CORRECT SUB-NORMAL HEARING TO NOT BETTER THAN NORMAL.

12 "INVESTIGATIVE OR LAW ENFORCEMENT OFFICER." ANY OFFICER OF
13 THE UNITED STATES OR OF THE COMMONWEALTH OR POLITICAL
14 SUBDIVISION THEREOF, WHO IS EMPOWERED BY LAW TO CONDUCT
15 INVESTIGATIONS OF OR TO MAKE ARRESTS FOR OFFENSES ENUMERATED IN
16 THIS CHAPTER, AND ANY ATTORNEY AUTHORIZED BY LAW TO PROSECUTE OR
17 PARTICIPATE IN THE PROSECUTION OF SUCH OFFENSE. THE TERM SHALL
18 INCLUDE, BUT NOT BE LIMITED TO, EMPLOYEES OF THE PENNSYLVANIA
19 CRIME COMMISSION, AUTHORIZED TO INVESTIGATE CRIMES ENUMERATED IN
20 § 5708 (RELATING TO ORDER AUTHORIZING INTERCEPTION OF WIRE OR
21 ORAL COMMUNICATIONS).

22 "JUDGE." AS REFERRING TO A JUDGE AUTHORIZED TO RECEIVE
23 APPLICATIONS FOR, AND TO ENTER, ORDERS AUTHORIZING INTERCEPTIONS
24 OF WIRE OR ORAL COMMUNICATIONS, ONE OF THE SEVERAL JUDGES OF THE
25 COURT OF COMMON PLEAS TO BE DESIGNATED FROM TIME TO TIME BY THE
26 SUPREME COURT, TO HAVE STATEWIDE AUTHORITY FOR THE PURPOSE OF
27 RECEIVING APPLICATIONS FOR, AND ENTERING, ORDERS AUTHORIZING
28 INTERCEPTIONS OF WIRE OR ORAL COMMUNICATIONS PURSUANT TO THIS
29 CHAPTER. THE SUPREME COURT SHALL SO DESIGNATE NO MORE THAN TEN
30 JUDGES, EACH OF WHOM SHALL BE EXPERIENCED IN THE TRIAL OF

1 CRIMINAL CASES.

2 "ORAL COMMUNICATION." ANY ORAL COMMUNICATIONS UTTERED BY A
3 PERSON POSSESSING AN EXPECTATION THAT SUCH COMMUNICATION IS NOT
4 SUBJECT TO INTERCEPTION UNDER CIRCUMSTANCES JUSTIFYING SUCH
5 EXPECTATION.

6 "ORGANIZED CRIME."

7 (1) THE UNLAWFUL ACTIVITY OF AN ASSOCIATION TRAFFICKING
8 IN ILLEGAL GOODS OR SERVICES, INCLUDING BUT NOT LIMITED TO,
9 GAMBLING, PROSTITUTION, LOAN SHARKING, CONTROLLED SUBSTANCES,
10 LABOR RACKETEERING, OR OTHER UNLAWFUL ACTIVITIES; OR

11 (2) ANY CONTINUING CRIMINAL CONSPIRACY OR OTHER UNLAWFUL
12 PRACTICE WHICH HAS AS ITS OBJECTIVE,

13 (I) LARGE ECONOMIC GAIN THROUGH FRAUDULENT OR
14 COERCIVE PRACTICES; OR

15 (II) IMPROPER GOVERNMENTAL INFLUENCE.

16 "PEN REGISTER." A MECHANICAL OR ELECTRONIC DEVICE WHICH
17 ATTACHES TO A PARTICULAR TELEPHONE LINE, AND WHICH RECORDS
18 OUTGOING NUMBERS DIALED BY A PARTICULAR TELEPHONE, BUT DOES NOT:

19 (1) MONITOR THE CONTENTS OF ANY COMMUNICATION; OR

20 (2) RECORD THE ORIGIN OF ANY INCOMING COMMUNICATIONS.

21 "PERSON." ANY EMPLOYEE, OR AGENT OF THE UNITED STATES OR ANY
22 STATE OR POLITICAL SUBDIVISION THEREOF, AND ANY INDIVIDUAL,
23 PARTNERSHIP, ASSOCIATION, JOINT STOCK COMPANY, TRUST OR
24 CORPORATION.

25 "WIRE COMMUNICATIONS." ANY COMMUNICATION MADE IN WHOLE OR IN
26 PART THROUGH THE USE OF FACILITIES FOR THE TRANSMISSION OF
27 COMMUNICATIONS BY WIRE, CABLE OR OTHER LIKE CONNECTION BETWEEN
28 THE POINT OF ORIGIN AND THE POINT OF RECEPTION FURNISHED OR
29 OPERATED BY A TELEPHONE, TELEGRAPH OR RADIO COMPANY FOR HIRE AS
30 A COMMUNICATION COMMON CARRIER.

1 § 5703. INTERCEPTION, DISCLOSURE OR USE OF WIRE OR ORAL
2 COMMUNICATIONS.

3 EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, A PERSON IS
4 GUILTY OF A FELONY OF THE THIRD DEGREE IF HE:

5 (1) WILLFULLY INTERCEPTS, ENDEAVORS TO INTERCEPT, OR
6 PROCURES ANY OTHER PERSON TO INTERCEPT OR ENDEAVOR TO
7 INTERCEPT ANY WIRE OR ORAL COMMUNICATION;

8 (2) WILLFULLY DISCLOSES OR ENDEAVORS TO DISCLOSE TO ANY
9 OTHER PERSON THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION,
10 OR EVIDENCE DERIVED THEREFROM, KNOWING OR HAVING REASON TO
11 KNOW THAT THE INFORMATION WAS OBTAINED THROUGH THE
12 INTERCEPTION OF A WIRE OR ORAL COMMUNICATION; OR

13 (3) WILLFULLY USES OR ENDEAVORS TO USE THE CONTENTS OF
14 ANY WIRE OR ORAL COMMUNICATIONS, OR EVIDENCE DERIVED
15 THEREFROM, KNOWING OR HAVING REASON TO KNOW, THAT THE
16 INFORMATION WAS OBTAINED THROUGH THE INTERCEPTION OF A WIRE
17 OR ORAL COMMUNICATION.

18 § 5704. EXCEPTIONS TO PROHIBITION ON INTERCEPTION AND
19 DISCLOSURE OF COMMUNICATIONS.

20 IT SHALL NOT BE UNLAWFUL UNDER THIS CHAPTER FOR:

21 (1) AN OPERATOR OF A SWITCHBOARD, OR AN OFFICER, AGENT
22 OR EMPLOYEE OF A COMMUNICATION COMMON CARRIER, WHOSE
23 FACILITIES ARE USED IN THE TRANSMISSION OF A WIRE
24 COMMUNICATION, TO INTERCEPT, DISCLOSE OR USE THAT
25 COMMUNICATION IN THE NORMAL COURSE OF HIS EMPLOYMENT WHILE
26 ENGAGED IN ANY ACTIVITY WHICH IS A NECESSARY INCIDENT TO THE
27 RENDITION OF HIS SERVICE OR TO THE PROTECTION OF THE RIGHTS
28 OR PROPERTY OF THE CARRIER OF SUCH COMMUNICATION. HOWEVER, NO
29 COMMUNICATION COMMON CARRIER SHALL UTILIZE SERVICE OBSERVING
30 OR RANDOM MONITORING EXCEPT FOR MECHANICAL OR SERVICE QUALITY

1 CONTROL CHECKS.

2 (2) ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OR ANY
3 PERSON ACTING AT THE DIRECTION OR REQUEST OF AN INVESTIGATIVE
4 OR LAW ENFORCEMENT OFFICER TO INTERCEPT A WIRE OR ORAL
5 COMMUNICATION INVOLVING SUSPECTED CRIMINAL ACTIVITIES WHERE:

6 (I) SUCH OFFICER OR PERSON IS A PARTY TO THE
7 COMMUNICATION; OR

8 (II) ONE OF THE PARTIES TO THE COMMUNICATION HAS
9 GIVEN PRIOR CONSENT TO SUCH INTERCEPTION.

10 HOWEVER, NO SUCH INTERCEPTION SHALL BE MADE UNLESS THE ATTORNEY
11 GENERAL OR A DEPUTY ATTORNEY GENERAL DESIGNATED IN WRITING BY
12 THE ATTORNEY GENERAL, OR THE DISTRICT ATTORNEY, OR AN ASSISTANT
13 DISTRICT ATTORNEY DESIGNATED IN WRITING BY THE DISTRICT
14 ATTORNEY, OF THE COUNTY WHEREIN THE INTERCEPTION IS TO BE MADE,
15 HAS REVIEWED THE FACTS AND IS SATISFIED THAT THE CONSENT IS
16 VOLUNTARY AND HAS GIVEN PRIOR APPROVAL FOR THE INTERCEPTION.

17 (3) POLICE AND EMERGENCY COMMUNICATIONS SYSTEMS TO
18 RECORD TELEPHONE COMMUNICATIONS COMING INTO AND GOING OUT OF
19 THE COMMUNICATIONS SYSTEM OF A POLICE DEPARTMENT, FIRE
20 DEPARTMENT, OR COUNTY EMERGENCY CENTER, IF:

21 (I) THE TELEPHONES THEREOF ARE LIMITED TO THE
22 EXCLUSIVE USE OF THE COMMUNICATION SYSTEM FOR
23 ADMINISTRATIVE PURPOSES AND PROVIDED THE COMMUNICATION
24 SYSTEM EMPLOYS A PERIODIC WARNING WHICH INDICATES TO THE
25 PARTIES TO THE CONVERSATION THAT THE CALL IS BEING
26 RECORDED;

27 (II) ALL RECORDINGS MADE PURSUANT TO THIS CLAUSE,
28 ALL NOTES MADE THEREFROM, AND ALL TRANSCRIPTIONS THEREOF
29 MAY BE DESTROYED AT ANY TIME, UNLESS REQUIRED WITH REGARD
30 TO A PENDING MATTER; AND

1 (III) AT LEAST ONE NONRECORDED TELEPHONE LINE IS
2 MADE AVAILABLE FOR PUBLIC USE AT EACH POLICE DEPARTMENT,
3 FIRE DEPARTMENT OR COUNTY EMERGENCY CENTER.

4 (4) A PERSON, TO INTERCEPT A WIRE OR ORAL COMMUNICATION,
5 WHERE ALL PARTIES TO THE COMMUNICATION HAVE GIVEN PRIOR
6 CONSENT TO SUCH INTERCEPTION.

7 (5) ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER, OR
8 COMMUNICATIONS COMMON CARRIER ACTING AT THE DIRECTION OF AN
9 INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OR IN THE NORMAL
10 COURSE OF ITS BUSINESS, TO USE A PEN REGISTER.

11 § 5705. POSSESSION, SALE, DISTRIBUTION, MANUFACTURE OR
12 ADVERTISEMENT OF INTERCEPTING DEVICES.

13 EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN SECTION 5706
14 (RELATING TO EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE,
15 DISTRIBUTION, MANUFACTURE OR ADVERTISEMENT OF INTERCEPTING
16 DEVICES), A PERSON IS GUILTY OF A FELONY OF THE THIRD DEGREE IF
17 HE DOES ANY OF THE FOLLOWING:

18 (1) WILLFULLY POSSESSES AN INTERCEPTING DEVICE, KNOWING
19 OR HAVING REASON TO KNOW THAT THE DESIGN OF SUCH DEVICE
20 RENDERS IT PRIMARILY USEFUL FOR THE PURPOSE OF THE
21 SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL COMMUNICATION.

22 (2) WILLFULLY SELLS, TRANSFERS OR DISTRIBUTES AN
23 INTERCEPTING DEVICE, KNOWING OR HAVING REASON TO KNOW THAT
24 THE DESIGN OF SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE
25 PURPOSE OF THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL
26 COMMUNICATION.

27 (3) WILLFULLY MANUFACTURES OR ASSEMBLES AN INTERCEPTING
28 DEVICE, KNOWING OR HAVING REASON TO KNOW THAT THE DESIGN OF
29 SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE PURPOSE OF
30 THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL

1 COMMUNICATION.

2 (4) WILLFULLY PLACES IN ANY NEWSPAPER, MAGAZINE,
3 HANDBILL, OR OTHER PUBLICATION ANY ADVERTISEMENT OF ANY
4 INTERCEPTING DEVICE, KNOWING OR HAVING REASON TO KNOW THAT
5 THE DESIGN OF SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE
6 PURPOSE OF THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL
7 COMMUNICATION OR OF ANY INTERCEPTING DEVICE WHERE SUCH
8 ADVERTISEMENT PROMOTES THE USE OF SUCH DEVICE FOR THE PURPOSE
9 OF THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL
10 COMMUNICATION.

11 § 5706. EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE,
12 DISTRIBUTION, MANUFACTURE OR ADVERTISEMENT OF
13 INTERCEPTING DEVICES.

14 IT SHALL NOT BE UNLAWFUL UNDER THIS CHAPTER FOR:

15 (1) A COMMUNICATION COMMON CARRIER OR AN OFFICER, AGENT
16 OR EMPLOYEE OF, OR A PERSON UNDER CONTRACT WITH A
17 COMMUNICATION COMMON CARRIER, IN THE USUAL COURSE OF THE
18 COMMUNICATION COMMON CARRIER'S BUSINESS; OR

19 (2) A PERSON UNDER CONTRACT WITH THE UNITED STATES, A
20 STATE OR A POLITICAL SUBDIVISION THEREOF, OR AN OFFICER,
21 AGENT OR EMPLOYEE OF A STATE OR A POLITICAL SUBDIVISION
22 THEREOF,

23 TO POSSESS, SELL, DISTRIBUTE, MANUFACTURE, ASSEMBLE OR ADVERTISE
24 ANY INTERCEPTING DEVICE, WHILE ACTING IN FURTHERANCE OF THE
25 APPROPRIATE ACTIVITIES OF THE UNITED STATES, A STATE OR A
26 POLITICAL SUBDIVISION THEREOF OR A COMMUNICATION COMMON CARRIER.

27 § 5707. SEIZURE AND FORFEITURE OF INTERCEPTING DEVICES.

28 ANY INTERCEPTING DEVICE POSSESSED, USED, SENT, DISTRIBUTED,
29 MANUFACTURED, OR ASSEMBLED IN VIOLATION OF THIS CHAPTER IS
30 HEREBY DECLARED TO BE CONTRABAND AND MAY BE SEIZED AND FORFEITED

1 TO THE COMMONWEALTH.

2 § 5708. ORDER AUTHORIZING INTERCEPTION OF WIRE OR ORAL
3 COMMUNICATIONS.

4 THE ATTORNEY GENERAL, OR, DURING THE ABSENCE OR INCAPACITY OF
5 THE ATTORNEY GENERAL, A DEPUTY ATTORNEY GENERAL DESIGNATED IN
6 WRITING BY THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY OR,
7 DURING THE ABSENCE OR INCAPACITY OF THE DISTRICT ATTORNEY, AN
8 ASSISTANT DISTRICT ATTORNEY DESIGNATED IN WRITING BY THE
9 DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE INTERCEPTION IS TO
10 BE MADE, MAY MAKE WRITTEN APPLICATION TO ANY JUDGE DESIGNATED BY
11 THE SUPREME COURT FOR AN ORDER AUTHORIZING THE INTERCEPTION OF A
12 WIRE OR ORAL COMMUNICATION BY THE INVESTIGATIVE OR LAW
13 ENFORCEMENT OFFICERS OR AGENCY HAVING RESPONSIBILITY FOR AN
14 INVESTIGATION INVOLVING SUSPECTED CRIMINAL ACTIVITIES WHEN SUCH
15 INTERCEPTION MAY PROVIDE EVIDENCE OF THE COMMISSION OF ANY OF
16 THE FOLLOWING OFFENSES, OR MAY PROVIDE EVIDENCE AIDING IN THE
17 APPREHENSION OF THE PERPETRATOR OR PERPETRATORS OF ANY OF THE
18 FOLLOWING OFFENSES:

19 (1) UNDER THIS TITLE:

20 SECTION 2501 (RELATING TO CRIMINAL HOMICIDE)

21 SECTION 2502 (RELATING TO MURDER)

22 SECTION 2503 (RELATING TO VOLUNTARY MANSLAUGHTER)

23 SECTION 2706 (RELATING TO TERRORISTIC THREATS)

24 SECTION 2901 (RELATING TO KIDNAPPING)

25 SECTION 3121 (RELATING TO RAPE)

26 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
27 INTERCOURSE)

28 SECTION 3301 (RELATING TO ARSON AND RELATED OFFENSES)

29 SECTION 3302 (RELATING TO CAUSING OR RISKING
30 CATASTROPHE)

1 SECTION 3502 (RELATING TO BURGLARY)
2 SECTION 3701 (RELATING TO ROBBERY)
3 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR
4 DISPOSITION)
5 SECTION 3922 (RELATING TO THEFT BY DECEPTION)
6 SECTION 3923 (RELATING TO THEFT BY EXTORTION)
7 SECTION 4701 (RELATING TO BRIBERY IN OFFICIAL AND
8 POLITICAL MATTERS)
9 SECTION 4702 (RELATING TO THREATS AND OTHER IMPROPER
10 INFLUENCE IN OFFICIAL AND POLITICAL MATTERS)
11 SECTION 5513 (RELATING TO GAMBLING DEVICES, GAMBLING,
12 ETC.)
13 SECTION 5514 (RELATING TO POOL SELLING AND
14 BOOKMAKING)
15 (2) UNDER THIS TITLE, WHERE SUCH OFFENSE IS DANGEROUS TO
16 LIFE, LIMB OR PROPERTY AND PUNISHABLE BY IMPRISONMENT FOR
17 MORE THAN ONE YEAR:
18 SECTION 3925 (RELATING TO RECEIVING STOLEN PROPERTY)
19 SECTION 3926 (RELATING TO THEFT OF SERVICES)
20 SECTION 3927 (RELATING TO THEFT BY FAILURE TO MAKE
21 REQUIRED DISPOSITION OF FUNDS RECEIVED)
22 SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND
23 BREACH OF DUTY TO ACT DISINTERESTEDLY)
24 SECTION 4109 (RELATING TO RIGGING PUBLICLY EXHIBITED
25 CONTEST)
26 SECTION 4902 (RELATING TO PERJURY)
27 SECTION 4907 (RELATING TO TAMPERING WITH WITNESSES
28 AND INFORMANTS)
29 SECTION 4909 (RELATING TO WITNESS OR INFORMANT TAKING
30 BRIBE)

1 SECTION 4911 (RELATING TO TAMPERING WITH PUBLIC
2 RECORDS OR INFORMATION)

3 SECTION 5101 (RELATING TO OBSTRUCTING ADMINISTRATION
4 OF LAW OR OTHER GOVERNMENTAL FUNCTION)

5 SECTION 5504 (RELATING TO HARASSMENT BY COMMUNICATION
6 OR ADDRESS)

7 SECTION 5902 (RELATING TO PROSTITUTION AND RELATED
8 OFFENSES)

9 (3) UNDER THE ACT OF JULY 22, 1970 (P.L.513, NO.178),
10 KNOWN AS THE "PENNSYLVANIA CIGARETTE TAX ACT," WHERE SUCH
11 OFFENSE IS DANGEROUS TO LIFE, LIMB OR PROPERTY AND PUNISHABLE
12 BY IMPRISONMENT FOR MORE THAN ONE YEAR:

13 SECTION 902 SALES OF UNSTAMPED CIGARETTES

14 SECTION 903 POSSESSION OF UNSTAMPED CIGARETTES

15 SECTION 904 COUNTERFEITING

16 (4) ANY OFFENSE SET FORTH UNDER SECTION 13(A) OF THE ACT
17 OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS "THE CONTROLLED
18 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT," NOT INCLUDING THE
19 OFFENSE DESCRIBED IN CLAUSE (31) OF SECTION 13(A).

20 (5) ANY OFFENSE SET FORTH UNDER THE ACT OF NOVEMBER 15,
21 1972 (P.L.1227, NO.272).

22 (6) ANY CONSPIRACY TO COMMIT ANY OF THE OFFENSES SET
23 FORTH IN THIS SECTION.

24 § 5709. APPLICATION FOR ORDER.

25 EACH APPLICATION FOR AN ORDER OF AUTHORIZATION TO INTERCEPT A
26 WIRE OR ORAL COMMUNICATION SHALL BE MADE IN WRITING UPON THE
27 PERSONAL OATH OR AFFIRMATION OF THE ATTORNEY GENERAL OR A
28 DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE INTERCEPTION IS TO
29 BE MADE AND SHALL CONTAIN ALL OF THE FOLLOWING:

30 (1) A STATEMENT OF THE AUTHORITY OF THE APPLICANT TO

1 MAKE SUCH APPLICATION.

2 (2) A STATEMENT OF THE IDENTITY AND QUALIFICATIONS OF
3 THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS OR AGENCY FOR
4 WHOM THE AUTHORITY TO INTERCEPT A WIRE OR ORAL COMMUNICATION
5 IS SOUGHT.

6 (3) A SWORN STATEMENT BY THE INVESTIGATIVE OR LAW
7 ENFORCEMENT OFFICER WHO HAS KNOWLEDGE OF RELEVANT INFORMATION
8 JUSTIFYING THE APPLICATION, WHICH SHALL INCLUDE:

9 (I) THE IDENTITY OF THE PARTICULAR PERSON, IF KNOWN,
10 COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE
11 INTERCEPTED.

12 (II) THE DETAILS AS TO THE PARTICULAR OFFENSE THAT
13 HAS BEEN, IS BEING, OR IS ABOUT TO BE COMMITTED.

14 (III) THE PARTICULAR TYPE OF COMMUNICATION TO BE
15 INTERCEPTED.

16 (IV) A SHOWING THAT THERE IS PROBABLE CAUSE TO
17 BELIEVE THAT SUCH COMMUNICATION WILL BE COMMUNICATED ON
18 THE WIRE COMMUNICATION FACILITY INVOLVED OR AT THE
19 PARTICULAR PLACE WHERE THE ORAL COMMUNICATION IS TO BE
20 INTERCEPTED.

21 (V) THE CHARACTER AND LOCATION OF THE PARTICULAR
22 WIRE COMMUNICATION FACILITIES INVOLVED OR THE PARTICULAR
23 PLACE WHERE THE ORAL COMMUNICATION IS TO BE INTERCEPTED.

24 (VI) A STATEMENT OF THE PERIOD OF TIME FOR WHICH THE
25 INTERCEPTION IS REQUIRED TO BE MAINTAINED, AND, IF THE
26 CHARACTER OF THE INVESTIGATION IS SUCH THAT THE
27 AUTHORIZATION FOR INTERCEPTION SHOULD NOT AUTOMATICALLY
28 TERMINATE WHEN THE DESCRIBED TYPE OF COMMUNICATION HAS
29 BEEN FIRST OBTAINED, A PARTICULAR STATEMENT OF FACTS
30 ESTABLISHING PROBABLE CAUSE TO BELIEVE THAT ADDITIONAL

1 COMMUNICATIONS OF THE SAME TYPE WILL OCCUR THEREAFTER.

2 (VII) A PARTICULAR STATEMENT OF FACTS SHOWING THAT
3 OTHER NORMAL INVESTIGATIVE PROCEDURES WITH RESPECT TO THE
4 OFFENSE HAVE BEEN TRIED AND HAVE FAILED, OR REASONABLY
5 APPEAR TO BE UNLIKELY TO SUCCEED IF TRIED OR ARE TOO
6 DANGEROUS TO EMPLOY.

7 (4) WHERE THE APPLICATION IS FOR THE RENEWAL OR
8 EXTENSION OF AN ORDER, A PARTICULAR STATEMENT OF FACTS
9 SHOWING THE RESULTS THUS FAR OBTAINED FROM THE INTERCEPTION,
10 OR A REASONABLE EXPLANATION OF THE FAILURE TO OBTAIN SUCH
11 RESULTS.

12 (5) A COMPLETE STATEMENT OF THE FACTS CONCERNING ALL
13 PREVIOUS APPLICATIONS, KNOWN TO THE APPLICANT MADE TO ANY
14 COURT FOR AUTHORIZATION TO INTERCEPT A WIRE OR ORAL
15 COMMUNICATION INVOLVING ANY OF THE SAME FACILITIES OR PLACES
16 SPECIFIED IN THE APPLICATION OR INVOLVING ANY PERSON WHOSE
17 COMMUNICATION IS TO BE INTERCEPTED, AND THE ACTION TAKEN BY
18 THE COURT ON EACH SUCH APPLICATION.

19 (6) A PROPOSED ORDER OF AUTHORIZATION FOR CONSIDERATION
20 BY THE JUDGE.

21 (7) SUCH ADDITIONAL TESTIMONY OR DOCUMENTARY EVIDENCE IN
22 SUPPORT OF THE APPLICATION AS THE JUDGE MAY REQUIRE.

23 § 5710. GROUNDS FOR ENTRY OF ORDER.

24 (A) APPLICATION.--UPON CONSIDERATION OF AN APPLICATION, THE
25 JUDGE MAY ENTER AN EX PARTE ORDER, AS REQUESTED OR AS MODIFIED,
26 AUTHORIZING THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION
27 ANYWHERE WITHIN THE COMMONWEALTH, IF THE JUDGE DETERMINES ON THE
28 BASIS OF THE FACTS SUBMITTED BY THE APPLICANT THAT THERE IS
29 PROBABLE CAUSE FOR BELIEF THAT ALL THE FOLLOWING CONDITIONS
30 EXIST:

1 (1) THE PERSON WHOSE COMMUNICATION IS TO BE INTERCEPTED
2 IS COMMITTING, HAS OR HAD COMMITTED OR IS ABOUT TO COMMIT AN
3 OFFENSE AS PROVIDED IN SECTION 5708 (RELATING TO ORDER
4 AUTHORIZING INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS);

5 (2) PARTICULAR COMMUNICATIONS CONCERNING SUCH OFFENSE
6 MAY BE OBTAINED THROUGH SUCH INTERCEPTION;

7 (3) NORMAL INVESTIGATIVE PROCEDURES WITH RESPECT TO SUCH
8 OFFENSE HAVE BEEN TRIED AND HAVE FAILED OR REASONABLY APPEAR
9 TO BE UNLIKELY TO SUCCEED IF TRIED OR TO BE TOO DANGEROUS TO
10 EMPLOY;

11 (4) THE FACILITIES FROM WHICH, OR THE PLACE WHERE, THE
12 WIRE OR ORAL COMMUNICATIONS ARE TO BE INTERCEPTED, ARE, HAVE
13 BEEN, OR ARE ABOUT TO BE USED, IN CONNECTION WITH THE
14 COMMISSION OF SUCH OFFENSE, OR ARE LEASED TO, LISTED IN THE
15 NAME OF, OR COMMONLY USED BY, SUCH INDIVIDUAL;

16 (5) THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS OR
17 AGENCY TO BE AUTHORIZED TO INTERCEPT THE WIRE OR ORAL
18 COMMUNICATION ARE QUALIFIED BY TRAINING AND EXPERIENCE TO
19 EXECUTE THE INTERCEPTION SOUGHT, AND ARE CERTIFIED UNDER
20 SECTION 5724 (RELATING TO TRAINING); AND

21 (6) IN THE CASE OF AN APPLICATION, OTHER THAN A RENEWAL
22 OR EXTENSION, FOR AN ORDER TO INTERCEPT A COMMUNICATION OF A
23 PERSON OR ON A FACILITY WHICH WAS THE SUBJECT OF A PREVIOUS
24 ORDER AUTHORIZING INTERCEPTION, THE APPLICATION IS BASED UPON
25 NEW EVIDENCE OR INFORMATION DIFFERENT FROM AND IN ADDITION TO
26 THE EVIDENCE OR INFORMATION OFFERED TO SUPPORT THE PRIOR
27 ORDER, REGARDLESS OF WHETHER SUCH EVIDENCE WAS DERIVED FROM
28 PRIOR INTERCEPTIONS OR FROM OTHER SOURCES.

29 (B) CORROBORATIVE EVIDENCE.--AS PART OF THE CONSIDERATION OF
30 AN APPLICATION IN WHICH THERE IS NO CORROBORATIVE EVIDENCE

1 OFFERED, THE JUDGE MAY INQUIRE IN CAMERA AS TO THE IDENTITY OF
2 ANY INFORMANTS OR ANY OTHER ADDITIONAL INFORMATION CONCERNING
3 THE BASIS UPON WHICH THE INVESTIGATIVE OR LAW ENFORCEMENT
4 OFFICER OR AGENCY HAS APPLIED FOR THE ORDER OF AUTHORIZATION
5 WHICH THE JUDGE FINDS RELEVANT IN ORDER TO DETERMINE IF THERE IS
6 PROBABLE CAUSE PURSUANT TO THIS SECTION.

7 § 5711. PRIVILEGED COMMUNICATIONS.

8 NO OTHERWISE PRIVILEGED COMMUNICATION INTERCEPTED IN
9 ACCORDANCE WITH, OR IN VIOLATION OF, THE PROVISIONS OF THIS
10 CHAPTER SHALL LOSE ITS PRIVILEGED CHARACTER.

11 § 5712. ISSUANCE OF ORDER AND EFFECT.

12 (A) AUTHORIZING ORDERS.--EACH ORDER AUTHORIZING THE
13 INTERCEPTION OF ANY WIRE OR ORAL COMMUNICATION SHALL STATE THE
14 FOLLOWING:

15 (1) THE IDENTITY OF THE INVESTIGATIVE OR LAW ENFORCEMENT
16 OFFICERS OR AGENCY TO WHOM THE AUTHORITY TO INTERCEPT A WIRE
17 OR ORAL COMMUNICATION IS GIVEN AND THE NAME AND OFFICIAL
18 IDENTITY OF THE PERSON WHO MADE THE APPLICATION.

19 (2) THE IDENTITY OF, OR A PARTICULAR DESCRIPTION OF, THE
20 PERSON, IF KNOWN, WHOSE COMMUNICATIONS ARE TO BE INTERCEPTED.

21 (3) THE CHARACTER AND LOCATION OF THE PARTICULAR
22 COMMUNICATION FACILITIES AS TO WHICH, OR THE PARTICULAR PLACE
23 OF THE COMMUNICATION AS TO WHICH, AUTHORITY TO INTERCEPT IS
24 GRANTED.

25 (4) A PARTICULAR DESCRIPTION OF THE TYPE OF THE
26 COMMUNICATION TO BE INTERCEPTED AND A STATEMENT OF THE
27 PARTICULAR OFFENSE TO WHICH IT RELATES.

28 (5) THE PERIOD OF TIME DURING WHICH SUCH INTERCEPTION IS
29 AUTHORIZED, INCLUDING A STATEMENT AS TO WHETHER OR NOT THE
30 INTERCEPTION SHALL AUTOMATICALLY TERMINATE WHEN THE DESCRIBED

1 COMMUNICATION HAS BEEN FIRST OBTAINED.

2 (B) TIME LIMITS.--NO ORDER ENTERED UNDER THIS SECTION SHALL
3 AUTHORIZE THE INTERCEPTION OF ANY WIRE OR ORAL COMMUNICATION FOR
4 A PERIOD OF TIME IN EXCESS OF THAT NECESSARY UNDER THE
5 CIRCUMSTANCES. EVERY ORDER ENTERED UNDER THIS SECTION SHALL
6 REQUIRE THAT SUCH INTERCEPTION BEGIN AND TERMINATE AS SOON AS
7 PRACTICABLE AND BE CONDUCTED IN SUCH A MANNER AS TO MINIMIZE OR
8 ELIMINATE THE INTERCEPTION OF SUCH COMMUNICATIONS NOT OTHERWISE
9 SUBJECT TO INTERCEPTION UNDER THIS ACT BY MAKING REASONABLE
10 EFFORTS, WHENEVER POSSIBLE, TO REDUCE THE HOURS OF INTERCEPTION
11 AUTHORIZED BY SAID ORDER. EXCEPT AS PROVIDED IN SUBSECTION (C),
12 NO ORDER ENTERED UNDER THIS SECTION SHALL AUTHORIZE THE
13 INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS FOR ANY PERIOD
14 EXCEEDING 20 DAYS. AN EXTENSION OR RENEWAL OF SUCH AN ORDER MAY
15 BE GRANTED FOR ONE ADDITIONAL PERIOD OF NOT MORE THAN 20 DAYS.
16 NO EXTENSION OR RENEWAL SHALL BE GRANTED UNLESS AN APPLICATION
17 FOR IT IS MADE IN ACCORDANCE WITH THIS SECTION, AND THE JUDGE
18 MAKES THE FINDINGS REQUIRED BY SECTION 5710 (RELATING TO GROUNDS
19 FOR ENTRY OF ORDER).

20 (C) CONTINUING CONSPIRACY, ORGANIZED CRIME.--NOTWITHSTANDING
21 SUBSECTION (B), EXTENSIONS OF 30 DAYS EACH MAY BE GRANTED IF,
22 UPON APPLICATION, THE JUDGE MAKES THE FINDINGS REQUIRED BY
23 SECTION 5710, AND IN ADDITION FINDS PROBABLE CAUSE TO BELIEVE
24 THAT THE CRIME BEING INVESTIGATED IS RELATED TO ORGANIZED CRIME.

25 (D) PROGRESS REPORTS.--WHENEVER AN ORDER AUTHORIZING AN
26 INTERCEPTION IS ENTERED, THE ORDER MAY REQUIRE REPORTS TO BE
27 MADE TO THE JUDGE WHO ISSUED THE ORDER SHOWING WHAT PROGRESS HAS
28 BEEN MADE TOWARD ACHIEVEMENT OF THE AUTHORIZED OBJECTIVE AND THE
29 NEED FOR CONTINUED INTERCEPTION. THE REPORTS SHALL BE MADE AT
30 SUCH INTERVALS AS THE JUDGE MAY REQUIRE.

1 (E) FINAL REPORT.--WHENEVER A SURVEILLANCE IS AUTHORIZED
2 PURSUANT TO THIS SECTION, A COMPLETE WRITTEN LIST OF NAMES OF
3 PARTICIPANTS AND EVIDENCE OF OFFENSES DISCOVERED, INCLUDING
4 THOSE NOT STATED IN THE APPLICATION FOR ORDER, SHALL BE FILED
5 WITH THE COURT AT THE TIME THE AUTHORIZED SURVEILLANCE IS
6 TERMINATED.

7 (F) ASSISTANCE.--AN ORDER AUTHORIZING THE INTERCEPTION OF A
8 WIRE OR ORAL COMMUNICATION SHALL, UPON REQUEST OF THE APPLICANT,
9 DIRECT THAT A COMMUNICATION COMMON CARRIER SHALL FURNISH THE
10 APPLICANT FORTHWITH ALL INFORMATION, FACILITIES AND TECHNICAL
11 ASSISTANCE NECESSARY TO ACCOMPLISH THE INTERCEPTION
12 UNOBTRUSIVELY AND WITH A MINIMUM OF INTERFERENCE WITH THE
13 SERVICES THAT SUCH CARRIER IS AFFORDING THE PERSON WHOSE
14 COMMUNICATIONS ARE TO BE INTERCEPTED. THE OBLIGATION OF A
15 COMMUNICATION COMMON CARRIER UNDER SUCH AN ORDER MAY INCLUDE BUT
16 IS NOT LIMITED TO CONDUCTING AN IN-PROGRESS TRACE DURING AN
17 INTERCEPTION. ANY COMMUNICATION COMMON CARRIER FURNISHING SUCH
18 FACILITIES OR TECHNICAL ASSISTANCE SHALL BE COMPENSATED
19 THEREFORE BY THE APPLICANT AT THE PREVAILING RATES. SAID CARRIER
20 SHALL BE IMMUNE FROM CIVIL AND CRIMINAL LIABILITY FOR ANY
21 ASSISTANCE RENDERED TO THE APPLICANT PURSUANT TO THIS SECTION.

22 (G) ENTRY BY LAW ENFORCEMENT OFFICERS.--AN ORDER AUTHORIZING
23 THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION SHALL, IF
24 REQUESTED, AUTHORIZE THE ENTRY OF PREMISES OR FACILITIES
25 SPECIFIED IN SUBSECTION (A)(3), OR PREMISES NECESSARY TO OBTAIN
26 ACCESS TO THE PREMISES OR FACILITIES SPECIFIED IN SUBSECTION
27 (A)(3), BY THE LAW ENFORCEMENT OFFICERS SPECIFIED IN SUBSECTION
28 (A)(1), AS OFTEN AS NECESSARY SOLELY FOR THE PURPOSES OF
29 INSTALLING, MAINTAINING OR REMOVING AN INTERCEPTING DEVICE OR
30 DEVICES PROVIDED THAT SUCH ENTRY IS REASONABLY NECESSARY TO

1 ACCOMPLISH THE PURPOSES OF THIS CHAPTER AND PROVIDED THAT THE
2 JUDGE WHO ISSUES THE ORDER SHALL BE NOTIFIED OF THE TIME AND
3 METHOD OF EACH SUCH ENTRY PRIOR TO ENTRY IF PRACTICAL AND, IN
4 ANY CASE, WITHIN 48 HOURS OF ENTRY.

5 § 5713. EMERGENCY SITUATIONS.

6 (A) APPLICATION.--WHENEVER, UPON INFORMAL APPLICATION BY THE
7 ATTORNEY GENERAL OR A DESIGNATED ATTORNEY GENERAL AUTHORIZED IN
8 WRITING BY THE ATTORNEY GENERAL OR A DISTRICT ATTORNEY OR AN
9 ASSISTANT DISTRICT ATTORNEY AUTHORIZED IN WRITING BY THE
10 DISTRICT ATTORNEY OF A COUNTY WHEREIN THE INTERCEPTION IS TO BE
11 MADE, A JUDGE DETERMINES THERE ARE GROUNDS UPON WHICH AN ORDER
12 COULD BE ISSUED PURSUANT TO THIS CHAPTER, AND THAT AN EMERGENCY
13 SITUATION EXISTS WITH RESPECT TO THE INVESTIGATION OF AN OFFENSE
14 DESIGNATED IN SECTION 5708 (RELATING TO ORDER AUTHORIZING
15 INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS), AND INVOLVING
16 ORGANIZED CRIME AND A FELONY OR A SUBSTANTIAL DANGER TO LIFE OR
17 LIMB, DICTATING AUTHORIZATION FOR IMMEDIATE INTERCEPTION OF WIRE
18 OR ORAL COMMUNICATION BEFORE AN APPLICATION FOR AN ORDER COULD
19 WITH DUE DILIGENCE BE SUBMITTED TO HIM AND ACTED UPON, THE JUDGE
20 MAY GRANT ORAL APPROVAL FOR SUCH INTERCEPTION WITHOUT AN ORDER,
21 CONDITIONED UPON THE FILING WITH HIM, WITHIN 48 HOURS
22 THEREAFTER, OF AN APPLICATION FOR AN ORDER WHICH, IF GRANTED,
23 SHALL RECITE THE ORAL APPROVAL AND BE RETROACTIVE TO THE TIME OF
24 SUCH ORAL APPROVAL. SUCH INTERCEPTION SHALL IMMEDIATELY
25 TERMINATE WHEN THE COMMUNICATION SOUGHT IS OBTAINED OR WHEN THE
26 APPLICATION FOR AN ORDER IS DENIED, WHICHEVER IS EARLIER. IN THE
27 EVENT NO APPLICATION FOR AN ORDER IS MADE, THE CONTENT OF ANY
28 WIRE OR ORAL COMMUNICATION INTERCEPTED SHALL BE TREATED AS
29 HAVING BEEN OBTAINED IN VIOLATION OF THIS CHAPTER.

30 (B) FURTHER PROCEEDINGS.--IN THE EVENT NO APPLICATION IS

1 MADE OR AN APPLICATION MADE PURSUANT TO THIS SECTION IS DENIED,
2 THE COURT SHALL CAUSE AN INVENTORY TO BE SERVED AS PROVIDED IN
3 SECTION 5716 (RELATING TO SERVICE OF INVENTORY AND INSPECTION OF
4 INTERCEPTED COMMUNICATIONS) AND SHALL REQUIRE THE TAPE OR OTHER
5 RECORDING OF THE INTERCEPTED COMMUNICATION TO BE DELIVERED TO,
6 AND SEALED BY, THE COURT. SUCH EVIDENCE SHALL BE RETAINED BY THE
7 COURT IN ACCORDANCE WITH SECTION 5714 (RELATING TO RECORDING OF
8 INTERCEPTED COMMUNICATIONS) AND THE SAME SHALL NOT BE USED OR
9 DISCLOSED IN ANY LEGAL PROCEEDING EXCEPT IN A CIVIL ACTION
10 BROUGHT BY AN AGGRIEVED PERSON PURSUANT TO SECTION 5725
11 (RELATING TO CIVIL ACTION FOR UNLAWFUL INTERCEPTION, DISCLOSURE
12 OR USE OF WIRE OR ORAL COMMUNICATION) OR AS OTHERWISE AUTHORIZED
13 BY COURT ORDER. IN ADDITION TO OTHER REMEDIES AND PENALTIES
14 PROVIDED BY THIS CHAPTER, FAILURE TO EFFECT DELIVERY OF ANY SUCH
15 TAPE OR OTHER RECORDING SHALL BE PUNISHABLE AS CONTEMPT BY THE
16 COURT DIRECTING SUCH DELIVERY. EVIDENCE OF ORAL AUTHORIZATION TO
17 INTERCEPT AN ORAL OR WIRE COMMUNICATION SHALL BE A DEFENSE TO
18 ANY CHARGE AGAINST THE INVESTIGATING OR LAW ENFORCEMENT OFFICER
19 FOR ENGAGING IN UNLAWFUL INTERCEPTION.

20 § 5714. RECORDING OF INTERCEPTED COMMUNICATIONS.

21 (A) RECORDING AND MONITORING.--ANY WIRE OR ORAL
22 COMMUNICATION INTERCEPTED IN ACCORDANCE WITH THIS CHAPTER SHALL,
23 IF PRACTICABLE, BE RECORDED BY TAPE OR OTHER COMPARABLE METHOD.
24 THE RECORDING SHALL BE DONE IN SUCH A WAY AS WILL PROTECT IT
25 FROM EDITING OR OTHER ALTERATION. WHENEVER AN INTERCEPTION IS
26 BEING MONITORED, THE MONITOR SHALL BE AN INVESTIGATIVE OR LAW
27 ENFORCEMENT OFFICER CERTIFIED UNDER SECTION 5724 (RELATING TO
28 TRAINING), AND WHERE PRACTICABLE, KEEP A SIGNED, WRITTEN RECORD
29 WHICH SHALL INCLUDE THE FOLLOWING:

30 (1) THE DATE AND HOURS OF SURVEILLANCE.

1 (2) THE TIME AND DURATION OF EACH INTERCEPTED
2 COMMUNICATION.

3 (3) THE PARTICIPANT, IF KNOWN, IN EACH INTERCEPTED
4 CONVERSATION.

5 (4) A SUMMARY OF THE CONTENT OF EACH INTERCEPTED
6 COMMUNICATION.

7 (B) SEALING OF RECORDINGS.--IMMEDIATELY UPON THE EXPIRATION
8 OF THE ORDER OR EXTENSIONS OR RENEWALS THEREOF, ALL MONITOR'S
9 RECORDS, TAPES AND OTHER RECORDINGS SHALL BE TRANSFERRED TO THE
10 JUDGE ISSUING THE ORDER AND SEALED UNDER HIS DIRECTION. CUSTODY
11 OF THE TAPES, OR OTHER RECORDINGS SHALL BE MAINTAINED WHEREVER
12 THE COURT DIRECTS. THEY SHALL NOT BE DESTROYED EXCEPT UPON AN
13 ORDER OF THE COURT AND IN ANY EVENT SHALL BE KEPT FOR TEN YEARS.
14 DUPLICATE TAPES, OR OTHER RECORDINGS MAY BE MADE FOR DISCLOSURE
15 OR USE PURSUANT TO SECTION 5717 (RELATING TO DISCLOSURE OR USE
16 OF CONTENTS OF WIRE OR ORAL COMMUNICATIONS OR DERIVATIVE
17 EVIDENCE). THE PRESENCE OF THE SEAL PROVIDED BY THIS SECTION, OR
18 A SATISFACTORY EXPLANATION FOR ITS ABSENCE, SHALL BE A
19 PREREQUISITE FOR THE DISCLOSURE OF THE CONTENTS OF ANY WIRE OR
20 ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, UNDER SECTION
21 5717(B).

22 § 5715. SEALING OF APPLICATIONS, ORDERS AND SUPPORTING PAPERS.
23 APPLICATIONS MADE, FINAL REPORTS, AND ORDERS GRANTED PURSUANT
24 TO THIS CHAPTER AND SUPPORTING PAPERS AND MONITOR'S RECORDS
25 SHALL BE SEALED BY THE COURT AND SHALL BE HELD IN CUSTODY AS THE
26 COURT SHALL DIRECT AND SHALL NOT BE DESTROYED EXCEPT ON ORDER OF
27 THE COURT AND IN ANY EVENT SHALL BE KEPT FOR TEN YEARS. THEY MAY
28 BE DISCLOSED ONLY UPON A SHOWING OF GOOD CAUSE BEFORE A COURT OF
29 COMPETENT JURISDICTION EXCEPT THAT ANY INVESTIGATIVE OR LAW
30 ENFORCEMENT OFFICER MAY DISCLOSE SUCH APPLICATIONS, ORDERS AND

1 SUPPORTING PAPERS TO INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS
2 OF THIS OR ANOTHER STATE, ANY OF ITS POLITICAL SUBDIVISIONS, OR
3 OF THE UNITED STATES TO THE EXTENT THAT SUCH DISCLOSURE IS
4 APPROPRIATE TO THE PROPER PERFORMANCE OF THE OFFICIAL DUTIES OF
5 THE OFFICER MAKING OR RECEIVING THE DISCLOSURE. IN ADDITION TO
6 ANY REMEDIES AND PENALTIES PROVIDED BY THIS CHAPTER, ANY
7 VIOLATION OF THE PROVISIONS OF THIS SECTION MAY BE PUNISHED AS
8 CONTEMPT OF THE COURT.

9 § 5716. SERVICE OF INVENTORY AND INSPECTION OF INTERCEPTED
10 COMMUNICATIONS.

11 (A) SERVICE OF INVENTORY.--WITHIN A REASONABLE TIME BUT NOT
12 LATER THAN 90 DAYS AFTER THE TERMINATION OF THE PERIOD OF THE
13 ORDER OR OF EXTENSIONS OR RENEWALS THEREOF, OR THE DATE OF THE
14 DENIAL OF AN ORDER APPLIED FOR UNDER SECTION 5713 (RELATING TO
15 EMERGENCY SITUATIONS), THE ISSUING OR DENYING JUDGE SHALL CAUSE
16 TO BE SERVED ON THE PERSONS NAMED IN THE ORDER, APPLICATION, OR
17 FINAL REPORT AN INVENTORY WHICH SHALL INCLUDE THE FOLLOWING:

18 (1) NOTICE OF THE ENTRY OF THE ORDER OR THE APPLICATION
19 FOR AN ORDER DENIED UNDER SECTION 5713.

20 (2) THE DATE OF THE ENTRY OF THE ORDER OR THE DENIAL OF
21 AN ORDER APPLIED FOR UNDER SECTION 5713.

22 (3) THE PERIOD OF AUTHORIZED OR DISAPPROVED
23 INTERCEPTION.

24 (4) THE FACT THAT DURING THE PERIOD WIRE OR ORAL
25 COMMUNICATIONS WERE OR WERE NOT INTERCEPTED.

26 (B) POSTPONEMENT.--ON AN EX PARTE SHOWING OF GOOD CAUSE TO
27 THE ISSUING OR DENYING JUDGE THE SERVICE OF THE INVENTORY
28 REQUIRED BY THIS SECTION MAY BE POSTPONED FOR A PERIOD OF 30
29 DAYS. ADDITIONAL POSTPONEMENTS MAY BE GRANTED FOR PERIODS OF NOT
30 MORE THAN 30 DAYS ON AN EX PARTE SHOWING OF GOOD CAUSE TO THE

1 ISSUING OR DENYING JUDGE.

2 (C) INSPECTIONS.--THE COURT, UPON THE FILING OF A MOTION,
3 SHALL MAKE AVAILABLE TO SUCH PERSONS OR THEIR ATTORNEYS FOR
4 INSPECTION, THE INTERCEPTED COMMUNICATIONS AND MONITOR'S RECORDS
5 TO WHICH THE MOVANT WAS A PARTICIPANT AND THE APPLICATIONS AND
6 ORDERS.

7 § 5717. DISCLOSURE OR USE OF CONTENTS OF WIRE OR ORAL
8 COMMUNICATIONS OR DERIVATIVE EVIDENCE.

9 (A) INVESTIGATIVE ACTIVITIES.--ANY INVESTIGATIVE OR LAW
10 ENFORCEMENT OFFICER WHO, BY ANY MEANS AUTHORIZED BY THIS
11 CHAPTER, HAS OBTAINED KNOWLEDGE OF THE CONTENTS OF ANY WIRE OR
12 ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, MAY DISCLOSE
13 SUCH CONTENTS OR EVIDENCE TO ANOTHER INVESTIGATIVE OR LAW
14 ENFORCEMENT OFFICER OR MAKE USE OF SUCH CONTENTS OR EVIDENCE TO
15 THE EXTENT THAT SUCH DISCLOSURE OR USE IS APPROPRIATE TO THE
16 PROPER PERFORMANCE OF THE OFFICIAL DUTIES OF THE OFFICER MAKING
17 OR RECEIVING THE DISCLOSURE.

18 (B) EVIDENCE.--ANY PERSON WHO, BY ANY MEANS AUTHORIZED BY
19 THIS CHAPTER, HAS OBTAINED KNOWLEDGE OF THE CONTENTS OF ANY WIRE
20 OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, MAY
21 DISCLOSE SUCH CONTENTS OR EVIDENCE TO AN INVESTIGATIVE OR LAW
22 ENFORCEMENT OFFICER AND MAY DISCLOSE SUCH CONTENTS OR EVIDENCE
23 WHILE GIVING TESTIMONY UNDER OATH OR AFFIRMATION IN ANY CRIMINAL
24 PROCEEDING IN ANY COURT OF THIS COMMONWEALTH OR OF ANOTHER STATE
25 OR OF THE UNITED STATES OR BEFORE ANY STATE OR FEDERAL GRAND
26 JURY OR INVESTIGATING GRAND JURY.

27 (C) OTHERWISE AUTHORIZED PERSONNEL.--ANY PERSON WHO, BY ANY
28 MEANS AUTHORIZED BY THE LAWS OF ANOTHER STATE OR THE FEDERAL
29 GOVERNMENT, HAS OBTAINED KNOWLEDGE OF THE CONTENTS OF ANY WIRE
30 OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, MAY

1 DISCLOSE SUCH CONTENTS OR EVIDENCE TO AN INVESTIGATIVE OR LAW
2 ENFORCEMENT OFFICER AND MAY DISCLOSE SUCH CONTENTS OR EVIDENCE
3 WHERE OTHERWISE ADMISSIBLE WHILE GIVING TESTIMONY UNDER OATH OR
4 AFFIRMATION IN ANY PROCEEDING IN ANY COURT OF THIS COMMONWEALTH.
5 § 5718. INTERCEPTION OF COMMUNICATIONS RELATING TO OTHER
6 OFFENSES.

7 WHEN AN INVESTIGATIVE OR LAW ENFORCEMENT OFFICER, WHILE
8 ENGAGED IN COURT AUTHORIZED INTERCEPTIONS OF WIRE OR ORAL
9 COMMUNICATIONS IN THE MANNER AUTHORIZED HEREIN, INTERCEPTS WIRE
10 OR ORAL COMMUNICATIONS RELATING TO OFFENSES OTHER THAN THOSE
11 SPECIFIED IN THE ORDER OF AUTHORIZATION, THE CONTENTS THEREOF,
12 AND EVIDENCE DERIVED THEREFROM, MAY BE DISCLOSED OR USED AS
13 PROVIDED IN SECTION 5717(A) (RELATING TO DISCLOSURE OR USE OF
14 CONTENTS OF WIRE OR ORAL COMMUNICATIONS OR DERIVATIVE EVIDENCE).
15 SUCH CONTENTS AND EVIDENCE MAY BE DISCLOSED IN TESTIMONY UNDER
16 OATH OR AFFIRMATION IN ANY CRIMINAL PROCEEDING IN ANY COURT OF
17 THIS COMMONWEALTH OR OF ANOTHER STATE OR OF THE UNITED STATES OR
18 BEFORE ANY STATE OR FEDERAL GRAND JURY WHEN IN ADVANCE OF SUCH
19 DISCLOSURE AND ON APPLICATION TO A COURT, THE COURT FINDS THAT
20 THE CONTENTS WERE LISTED IN THE FINAL REPORT, PURSUANT TO
21 SECTION 5712(D) (RELATING TO ISSUANCE OF ORDER AND EFFECT), AND
22 WERE OTHERWISE INTERCEPTED IN ACCORDANCE WITH THE PROVISIONS OF
23 THIS CHAPTER. SUCH APPLICATION SHALL BE MADE AS SOON AS
24 PRACTICABLE.

25 § 5719. UNLAWFUL USE OR DISCLOSURE OF EXISTENCE OF ORDER
26 CONCERNING INTERCEPTED COMMUNICATION.

27 EXCEPT AS SPECIFICALLY AUTHORIZED PURSUANT TO THIS CHAPTER
28 ANY PERSON WHO WILLFULLY USES OR DISCLOSES THE EXISTENCE OF AN
29 ORDER AUTHORIZING INTERCEPTION OF A WIRE OR ORAL COMMUNICATION
30 IS GUILTY OF A MISDEMEANOR OF THE SECOND DEGREE.

1 § 5720. SERVICE OF COPY OF ORDER AND APPLICATION BEFORE
2 DISCLOSURE OF INTERCEPTED COMMUNICATION IN TRIAL,
3 HEARING OR PROCEEDING.

4 THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION INTERCEPTED IN
5 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, OR EVIDENCE
6 DERIVED THEREFROM, SHALL NOT BE DISCLOSED IN ANY TRIAL, HEARING,
7 OR OTHER ADVERSARY PROCEEDING BEFORE ANY COURT OF THE
8 COMMONWEALTH UNLESS NOT LESS THAN TEN DAYS BEFORE THE TRIAL,
9 HEARING OR PROCEEDING THE PARTIES TO THE ACTION HAVE BEEN SERVED
10 WITH A COPY OF THE ORDER, THE ACCOMPANYING APPLICATION AND THE
11 FINAL REPORT UNDER WHICH THE INTERCEPTION WAS AUTHORIZED OR, IN
12 THE CASE OF AN INTERCEPTION UNDER SECTION 5704 (RELATING TO
13 EXCEPTIONS TO PROHIBITION ON INTERCEPTION AND DISCLOSURE OF
14 COMMUNICATIONS), NOTICE OF THE FACT AND NATURE OF THE
15 INTERCEPTION. THE SERVICE OF INVENTORY, ORDER, APPLICATION, AND
16 FINAL REPORT REQUIRED BY THIS SECTION MAY BE WAIVED BY THE COURT
17 ONLY WHERE IT FINDS THAT THE SERVICE IS NOT FEASIBLE AND THAT
18 THE PARTIES WILL NOT BE PREJUDICED BY THE FAILURE TO MAKE THE
19 SERVICE.

20 § 5721. SUPPRESSION OF CONTENTS OF INTERCEPTED COMMUNICATION OR
21 DERIVATIVE EVIDENCE.

22 (A) MOTION TO SUPPRESS.--ANY AGGRIEVED PERSON IN ANY TRIAL,
23 HEARING, OR OTHER ADVERSARY PROCEEDING IN OR BEFORE ANY COURT OR
24 OTHER AUTHORITY OF THIS COMMONWEALTH MAY MOVE TO SUPPRESS THE
25 CONTENTS OF ANY INTERCEPTED WIRE OR ORAL COMMUNICATION, OR
26 EVIDENCE DERIVED THEREFROM, ON ANY OF THE FOLLOWING GROUNDS:

- 27 (1) THE COMMUNICATION WAS UNLAWFULLY INTERCEPTED.
28 (2) THE ORDER OF AUTHORIZATION IS INSUFFICIENT ON ITS
29 FACE.
30 (3) THE INTERCEPTION WAS NOT MADE IN CONFORMITY WITH THE

1 ORDER OF AUTHORIZATION OR IN ACCORDANCE WITH THE REQUIREMENTS
2 OF SECTION 5712 (RELATING TO ISSUANCE OF ORDER AND EFFECT).

3 (B) PROCEDURE.--THE MOTION SHALL BE MADE AT LEAST TEN DAYS
4 BEFORE THE TRIAL, HEARING, OR OTHER ADVERSARY PROCEEDING UNLESS
5 THERE WAS NO OPPORTUNITY TO MAKE THE MOTION OR THE MOVING PARTY
6 WAS NOT AWARE OF THE GROUNDS FOR THE MOTION. MOTIONS BY CO-
7 INDICTEES ARE TO BE HEARD IN A SINGLE CONSOLIDATED HEARING. THE
8 COURT, UPON THE FILING OF SUCH MOTION BY THE AGGRIEVED PERSON,
9 SHALL MAKE AVAILABLE TO THE AGGRIEVED PERSON OR HIS COUNSEL THE
10 INTERCEPTED COMMUNICATION AND EVIDENCE DERIVED THEREFROM. IF THE
11 MOTION IS GRANTED, THE ENTIRE CONTENTS OF ALL INTERCEPTED WIRE
12 OR ORAL COMMUNICATIONS OBTAINED DURING OR AFTER ANY INTERCEPTION
13 WHICH IS DETERMINED TO BE IN VIOLATION OF THIS CHAPTER UNDER
14 SUBSECTION (A) OR EVIDENCE DERIVED THEREFROM, SHALL NOT BE
15 RECEIVED IN EVIDENCE IN THE TRIAL, HEARING OR OTHER ADVERSARY
16 PROCEEDING.

17 (C) APPEAL.--IN ADDITION TO ANY OTHER RIGHT TO APPEAL, THE
18 COMMONWEALTH SHALL HAVE THE RIGHT TO APPEAL FROM AN ORDER
19 GRANTING A MOTION TO SUPPRESS IF THE OFFICIAL TO WHOM THE ORDER
20 AUTHORIZING THE INTERCEPT WAS GRANTED SHALL CERTIFY TO THE COURT
21 THAT THE APPEAL IS NOT TAKEN FOR PURPOSES OF DELAY. THE APPEAL
22 SHALL BE TAKEN IN ACCORDANCE WITH THE PROVISIONS OF TITLE 42
23 (JUDICIARY AND JUDICIAL PROCEDURE).

24 § 5722. REPORT BY ISSUING OR DENYING JUDGE.

25 WITHIN 30 DAYS AFTER THE EXPIRATION OF AN ORDER OR AN
26 EXTENSION OR RENEWAL THEREOF ENTERED UNDER THIS CHAPTER OR THE
27 DENIAL OF AN ORDER CONFIRMING VERBAL APPROVAL OF INTERCEPTION,
28 THE ISSUING OR DENYING JUDGE SHALL MAKE A REPORT TO THE
29 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS STATING THE
30 FOLLOWING:

1 (1) THAT AN ORDER, EXTENSION OR RENEWAL WAS APPLIED FOR.

2 (2) THE KIND OF ORDER APPLIED FOR.

3 (3) THAT THE ORDER WAS GRANTED AS APPLIED FOR, WAS
4 MODIFIED, OR WAS DENIED.

5 (4) THE PERIOD OF THE INTERCEPTIONS AUTHORIZED BY THE
6 ORDER, AND THE NUMBER AND DURATION OF ANY EXTENSIONS OR
7 RENEWALS OF THE ORDER.

8 (5) THE OFFENSE SPECIFIED IN THE ORDER, OR EXTENSION OR
9 RENEWAL OF AN ORDER.

10 (6) THE NAME AND OFFICIAL IDENTITY OF THE PERSON MAKING
11 THE APPLICATION AND OF THE INVESTIGATIVE OR LAW ENFORCEMENT
12 OFFICER AND AGENCY FOR WHOM IT WAS MADE.

13 (7) THE CHARACTER OF THE FACILITIES FROM WHICH OR THE
14 PLACE WHERE THE COMMUNICATIONS WERE TO BE INTERCEPTED.

15 § 5723. ANNUAL REPORTS AND RECORDS OF ATTORNEY GENERAL AND
16 DISTRICT ATTORNEYS.

17 (A) JUDGES.--IN ADDITION TO REPORTS REQUIRED TO BE MADE BY
18 APPLICANTS PURSUANT TO TITLE 18 U.S.C. § 2519, ALL JUDGES WHO
19 HAVE ISSUED ORDERS PURSUANT TO THIS TITLE SHALL MAKE ANNUAL
20 REPORTS ON THE OPERATION OF THIS CHAPTER TO THE ADMINISTRATIVE
21 OFFICE OF PENNSYLVANIA COURTS. THE REPORTS BY THE JUDGES SHALL
22 CONTAIN THE FOLLOWING INFORMATION:

23 (1) THE NUMBER OF APPLICATIONS MADE.

24 (2) THE NUMBER OF ORDERS ISSUED.

25 (3) THE EFFECTIVE PERIODS OF SUCH ORDERS.

26 (4) THE NUMBER AND DURATION OF ANY RENEWALS THEREOF.

27 (5) THE CRIMES IN CONNECTION WITH WHICH THE ORDERS WERE
28 SOUGHT.

29 (6) THE NAMES AND OFFICIAL IDENTITY OF THE APPLICANTS.

30 (7) SUCH OTHER AND FURTHER PARTICULARS AS THE

1 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS MAY REQUIRE.

2 (B) ATTORNEY GENERAL.--IN ADDITION TO REPORTS REQUIRED TO BE
3 MADE BY APPLICANTS PURSUANT TO TITLE 18 U.S.C. § 2519, THE
4 ATTORNEY GENERAL SHALL MAKE ANNUAL REPORTS ON THE OPERATION OF
5 THIS CHAPTER TO THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA
6 COURTS. THE REPORTS BY THE ATTORNEY GENERAL SHALL CONTAIN THE
7 FOLLOWING INFORMATION:

8 (1) THE NUMBER OF APPLICATIONS MADE.

9 (2) THE NUMBER OR ORDERS ISSUED.

10 (3) THE EFFECTIVE PERIODS OF SUCH ORDERS.

11 (4) THE NUMBER AND DURATION OF ANY RENEWALS THEREOF.

12 (5) THE CRIMES IN CONNECTION WITH WHICH THE
13 CONVERSATIONS WERE SOUGHT.

14 (6) THE NAMES AND OFFICIAL IDENTITY OF THE APPLICANTS.

15 (7) THE NUMBER OF INDICTMENTS OR INFORMATIONS RESULTING
16 FROM EACH APPLICATION.

17 (8) THE CRIME OR CRIMES WHICH EACH INDICTMENT OR
18 INFORMATION CHARGES.

19 (9) THE DISPOSITION OF EACH INDICTMENT.

20 (C) DISTRICT ATTORNEYS.--EACH DISTRICT ATTORNEY SHALL
21 ANNUALLY PROVIDE TO THE ATTORNEY GENERAL ALL OF THE FOREGOING
22 INFORMATION WITH RESPECT TO ALL APPLICATIONS AUTHORIZED BY THAT
23 DISTRICT ATTORNEY ON FORMS PRESCRIBED BY THE ATTORNEY GENERAL.

24 (D) OTHER REPORTS.--THE CHIEF JUSTICE OF THE SUPREME COURT
25 AND THE ATTORNEY GENERAL SHALL ANNUALLY REPORT TO THE GOVERNOR
26 AND THE GENERAL ASSEMBLY ON SUCH ASPECTS OF THE OPERATION OF
27 THIS CHAPTER AS THEY DEEM APPROPRIATE AND MAKE ANY
28 RECOMMENDATIONS THEY FEEL DESIRABLE AS TO LEGISLATIVE CHANGES OR
29 IMPROVEMENTS TO EFFECTUATE THE PURPOSES OF THIS CHAPTER AND TO
30 ASSURE AND PROTECT INDIVIDUAL RIGHTS.

1 § 5724. TRAINING.

2 THE ATTORNEY GENERAL AND THE COMMISSIONER OF THE PENNSYLVANIA
3 STATE POLICE SHALL ESTABLISH A COURSE OF TRAINING IN THE LEGAL
4 AND TECHNICAL ASPECTS OF WIRETAPPING AND ELECTRONIC
5 SURVEILLANCE, SHALL ESTABLISH SUCH REGULATIONS AS THEY FIND
6 NECESSARY AND PROPER FOR SUCH TRAINING PROGRAM AND SHALL
7 ESTABLISH MINIMUM STANDARDS FOR CERTIFICATION AND PERIODIC
8 RECERTIFICATION OF COMMONWEALTH INVESTIGATIVE OR LAW ENFORCEMENT
9 OFFICERS AS ELIGIBLE TO CONDUCT WIRETAPPING OR ELECTRONIC
10 SURVEILLANCE UNDER THIS CHAPTER. THE PENNSYLVANIA STATE POLICE
11 SHALL CHARGE EACH INVESTIGATIVE OR LAW ENFORCEMENT OFFICER WHO
12 ENROLLS IN THIS TRAINING PROGRAM A REASONABLE ENROLLMENT FEE TO
13 OFFSET THE COSTS OF SUCH TRAINING.

14 § 5725. CIVIL ACTION FOR UNLAWFUL INTERCEPTION, DISCLOSURE OR
15 USE OF WIRE OR ORAL COMMUNICATION.

16 (A) CAUSE OF ACTION.--ANY PERSON WHOSE WIRE OR ORAL
17 COMMUNICATIONS IS INTERCEPTED, DISCLOSED OR USED IN VIOLATION OF
18 THIS CHAPTER SHALL HAVE A CIVIL CAUSE OF ACTION AGAINST ANY
19 PERSON WHO INTERCEPTS, DISCLOSES OR USES OR PROCURES ANY OTHER
20 PERSON TO INTERCEPT, DISCLOSE OR USE, SUCH COMMUNICATION; AND
21 SHALL BE ENTITLED TO RECOVER FROM ANY SUCH PERSON:

22 (1) ACTUAL DAMAGES, BUT NOT LESS THAN LIQUIDATED DAMAGES
23 COMPUTED AT THE RATE OF \$100 A DAY FOR EACH DAY OF VIOLATION,
24 OR \$1,000, WHICHEVER IS HIGHER.

25 (2) PUNITIVE DAMAGES.

26 (3) A REASONABLE ATTORNEYS' FEE AND OTHER LITIGATION
27 COSTS REASONABLY INCURRED.

28 (B) WAIVER OF SOVEREIGN IMMUNITY.--TO THE EXTENT THAT THE
29 COMMONWEALTH AND ANY OF ITS OFFICERS, OFFICIALS OR EMPLOYEES
30 WOULD BE SHIELDED FROM LIABILITY UNDER THIS SECTION BY THE

1 DOCTRINE OF SOVEREIGN IMMUNITY, SUCH IMMUNITY IS HEREBY WAIVED
2 FOR THE PURPOSES OF THIS SECTION.

3 § 5726. ACTION FOR REMOVAL FROM OFFICE OR EMPLOYMENT.

4 ANY AGGRIEVED PERSON SHALL HAVE THE RIGHT TO BRING AN ACTION
5 IN COMMONWEALTH COURT AGAINST ANY INVESTIGATIVE OR LAW
6 ENFORCEMENT OFFICER, PUBLIC OFFICIAL OR PUBLIC EMPLOYEE SEEKING
7 THE OFFICER'S, OFFICIAL'S OR EMPLOYEE'S REMOVAL FROM OFFICE OR
8 EMPLOYMENT ON THE GROUNDS THAT THE OFFICER, OFFICIAL OR EMPLOYEE
9 HAS WILLFULLY VIOLATED THE PROVISIONS OF THIS CHAPTER. IF THE
10 COURT SHALL CONCLUDE THAT SUCH OFFICER, OFFICIAL OR EMPLOYEE HAS
11 IN FACT WILLFULLY VIOLATED THE PROVISIONS OF THIS CHAPTER, THE
12 COURT SHALL ORDER THE DISMISSAL OR REMOVAL FROM OFFICE OF SAID
13 OFFICER, OFFICIAL OR EMPLOYEE AND THE FORFEITURE OF SAID
14 OFFICER, OFFICIAL OR EMPLOYEE'S PENSION BENEFIT ENTITLEMENTS, IF
15 ANY.

16 § 5727. GOOD FAITH RELIANCE ON A COURT ORDER AS DEFENSE.

17 A GOOD FAITH RELIANCE ON A COURT ORDER AUTHORIZING THE
18 INTERCEPTION SHALL CONSTITUTE A COMPLETE DEFENSE TO A CIVIL OR
19 CRIMINAL ACTION BROUGHT UNDER THIS CHAPTER OR TO ADMINISTRATIVE
20 PROCEEDINGS BROUGHT AGAINST A LAW ENFORCEMENT OFFICER.

21 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS AND CHAPTER
22 57 SHALL EXPIRE IN FIVE YEARS THEREAFTER.