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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 191

Session of  
1977

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 21, 1978

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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 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.~~

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1 § 5701. SHORT TITLE OF CHAPTER.

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~~. SUPERIOR COURT. <—

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 "JUDGE." AS REFERRING TO A JUDGE AUTHORIZED TO RECEIVE ←  
3 APPLICATIONS FOR, AND TO ENTER, ORDERS AUTHORIZING INTERCEPTIONS  
4 OF WIRE AND ORAL COMMUNICATIONS PURSUANT TO THIS CHAPTER, ANY  
5 JUDGE OF THE SUPERIOR COURT.

6 "ORAL COMMUNICATION." ANY ORAL COMMUNICATIONS UTTERED BY A  
7 PERSON POSSESSING AN EXPECTATION THAT SUCH COMMUNICATION IS NOT  
8 SUBJECT TO INTERCEPTION UNDER CIRCUMSTANCES JUSTIFYING SUCH  
9 EXPECTATION.

10 "ORGANIZED CRIME."

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

15 (2) ANY CONTINUING CRIMINAL CONSPIRACY OR OTHER UNLAWFUL  
16 PRACTICE WHICH HAS AS ITS OBJECTIVE;

17 (I) LARGE ECONOMIC GAIN THROUGH FRAUDULENT OR  
18 COERCIVE PRACTICES; OR

19 (II) IMPROPER GOVERNMENTAL INFLUENCE.

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

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

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

25 "PERSON." ANY EMPLOYEE, OR AGENT OF THE UNITED STATES OR ANY  
26 STATE OR POLITICAL SUBDIVISION THEREOF, AND ANY INDIVIDUAL,  
27 PARTNERSHIP, ASSOCIATION, JOINT STOCK COMPANY, TRUST OR  
28 CORPORATION.

29 "WIRE COMMUNICATIONS." ANY COMMUNICATION MADE IN WHOLE OR IN  
30 PART THROUGH THE USE OF FACILITIES FOR THE TRANSMISSION OF

1 COMMUNICATIONS BY WIRE, CABLE OR OTHER LIKE CONNECTION BETWEEN  
2 THE POINT OF ORIGIN AND THE POINT OF RECEPTION FURNISHED OR  
3 OPERATED BY A TELEPHONE, TELEGRAPH OR RADIO COMPANY FOR HIRE AS  
4 A COMMUNICATION COMMON CARRIER.

5 § 5703. INTERCEPTION, DISCLOSURE OR USE OF WIRE OR ORAL  
6 COMMUNICATIONS.

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

9 (1) WILLFULLY INTERCEPTS, ENDEAVORS TO INTERCEPT, OR  
10 PROCURES ANY OTHER PERSON TO INTERCEPT OR ENDEAVOR TO  
11 INTERCEPT ANY WIRE OR ORAL COMMUNICATION;

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

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

22 § 5704. EXCEPTIONS TO PROHIBITION ON INTERCEPTION AND  
23 DISCLOSURE OF COMMUNICATIONS.

24 IT SHALL NOT BE UNLAWFUL UNDER THIS CHAPTER FOR:

25 (1) AN OPERATOR OF A SWITCHBOARD, OR AN OFFICER, AGENT  
26 OR EMPLOYEE OF A COMMUNICATION COMMON CARRIER, WHOSE  
27 FACILITIES ARE USED IN THE TRANSMISSION OF A WIRE  
28 COMMUNICATION, TO INTERCEPT, DISCLOSE OR USE THAT  
29 COMMUNICATION IN THE NORMAL COURSE OF HIS EMPLOYMENT WHILE  
30 ENGAGED IN ANY ACTIVITY WHICH IS A NECESSARY INCIDENT TO THE

1 RENDITION OF HIS SERVICE OR TO THE PROTECTION OF THE RIGHTS  
2 OR PROPERTY OF THE CARRIER OF SUCH COMMUNICATION. HOWEVER, NO  
3 COMMUNICATION COMMON CARRIER SHALL UTILIZE SERVICE OBSERVING  
4 OR RANDOM MONITORING EXCEPT FOR MECHANICAL OR SERVICE QUALITY  
5 CONTROL CHECKS.

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

10 (I) SUCH OFFICER OR PERSON IS A PARTY TO THE  
11 COMMUNICATION; OR

12 (II) ONE OF THE PARTIES TO THE COMMUNICATION HAS  
13 GIVEN PRIOR CONSENT TO SUCH INTERCEPTION. HOWEVER, NO  
14 ~~SUCH~~ INTERCEPTION UNDER THIS PARAGRAPH SHALL BE MADE ←  
15 UNLESS THE ATTORNEY GENERAL OR A DEPUTY ATTORNEY GENERAL  
16 DESIGNATED IN WRITING BY THE ATTORNEY GENERAL, OR THE  
17 DISTRICT ATTORNEY, OR AN ASSISTANT DISTRICT ATTORNEY  
18 DESIGNATED IN WRITING BY THE DISTRICT ATTORNEY, OF THE  
19 COUNTY WHEREIN THE INTERCEPTION IS TO BE MADE, HAS  
20 REVIEWED THE FACTS AND IS SATISFIED THAT THE CONSENT IS  
21 VOLUNTARY AND HAS GIVEN PRIOR APPROVAL FOR THE  
22 INTERCEPTION; HOWEVER SUCH INTERCEPTION SHALL BE SUBJECT ←  
23 TO THE RECORDING AND RECORD KEEPING REQUIREMENTS OF  
24 SECTION 5714(A) (RELATING TO RECORDING OF INTERCEPTED  
25 COMMUNICATIONS) AND THAT THE ATTORNEY GENERAL, DEPUTY  
26 ATTORNEY GENERAL, DISTRICT ATTORNEY OR ASSISTANT DISTRICT  
27 ATTORNEY AUTHORIZING THE INTERCEPTION SHALL BE THE  
28 CUSTODIAN OF RECORDED EVIDENCE OBTAINED THEREFROM.

29 (3) POLICE AND EMERGENCY COMMUNICATIONS SYSTEMS TO  
30 RECORD TELEPHONE COMMUNICATIONS COMING INTO AND GOING OUT OF



1 THE COMMUNICATIONS SYSTEM OF A POLICE DEPARTMENT, FIRE  
2 DEPARTMENT, OR COUNTY EMERGENCY CENTER, IF:

3 (I) THE TELEPHONES THEREOF ARE LIMITED TO THE  
4 EXCLUSIVE USE OF THE COMMUNICATION SYSTEM FOR  
5 ADMINISTRATIVE PURPOSES AND PROVIDED THE COMMUNICATION  
6 SYSTEM EMPLOYS A PERIODIC WARNING WHICH INDICATES TO THE  
7 PARTIES TO THE CONVERSATION THAT THE CALL IS BEING  
8 RECORDED;

9 (II) ALL RECORDINGS MADE PURSUANT TO THIS CLAUSE,  
10 ALL NOTES MADE THEREFROM, AND ALL TRANSCRIPTIONS THEREOF  
11 MAY BE DESTROYED AT ANY TIME, UNLESS REQUIRED WITH REGARD  
12 TO A PENDING MATTER; AND

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

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

19 (5) ANY INVESTIGATIVE OR LAW ENFORCEMENT OFFICER, OR  
20 COMMUNICATIONS COMMON CARRIER ACTING AT THE DIRECTION OF AN  
21 INVESTIGATIVE OR LAW ENFORCEMENT OFFICER OR IN THE NORMAL  
22 COURSE OF ITS BUSINESS, TO USE A PEN REGISTER.

23 § 5705. POSSESSION, SALE, DISTRIBUTION, MANUFACTURE OR  
24 ADVERTISEMENT OF INTERCEPTING DEVICES.

25 EXCEPT AS OTHERWISE SPECIFICALLY PROVIDED IN SECTION 5706  
26 (RELATING TO EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE,  
27 DISTRIBUTION, MANUFACTURE OR ADVERTISEMENT OF INTERCEPTING  
28 DEVICES), A PERSON IS GUILTY OF A FELONY OF THE THIRD DEGREE IF  
29 HE DOES ANY OF THE FOLLOWING:

30 (1) WILLFULLY POSSESSES AN INTERCEPTING DEVICE, KNOWING

1 OR HAVING REASON TO KNOW THAT THE DESIGN OF SUCH DEVICE  
2 RENDERS IT PRIMARILY USEFUL FOR THE PURPOSE OF THE  
3 SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL COMMUNICATION.

4 (2) WILLFULLY SELLS, TRANSFERS OR DISTRIBUTES AN  
5 INTERCEPTING DEVICE, KNOWING OR HAVING REASON TO KNOW THAT  
6 THE DESIGN OF SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE  
7 PURPOSE OF THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL  
8 COMMUNICATION.

9 (3) WILLFULLY MANUFACTURES OR ASSEMBLES AN INTERCEPTING  
10 DEVICE, KNOWING OR HAVING REASON TO KNOW THAT THE DESIGN OF  
11 SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE PURPOSE OF  
12 THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL  
13 COMMUNICATION.

14 (4) WILLFULLY PLACES IN ANY NEWSPAPER, MAGAZINE,  
15 HANDBILL, OR OTHER PUBLICATION ANY ADVERTISEMENT OF ANY  
16 INTERCEPTING DEVICE, KNOWING OR HAVING REASON TO KNOW THAT  
17 THE DESIGN OF SUCH DEVICE RENDERS IT PRIMARILY USEFUL FOR THE  
18 PURPOSE OF THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL  
19 COMMUNICATION OR OF ANY INTERCEPTING DEVICE WHERE SUCH  
20 ADVERTISEMENT PROMOTES THE USE OF SUCH DEVICE FOR THE PURPOSE  
21 OF THE SURREPTITIOUS INTERCEPTION OF A WIRE OR ORAL  
22 COMMUNICATION.

23 § 5706. EXCEPTIONS TO PROHIBITIONS IN POSSESSION, SALE,  
24 DISTRIBUTION, MANUFACTURE OR ADVERTISEMENT OF  
25 INTERCEPTING DEVICES.

26 (A) UNLAWFUL ACTIVITIES.--IT SHALL NOT BE UNLAWFUL UNDER ←  
27 THIS CHAPTER FOR:

28 (1) A COMMUNICATION COMMON CARRIER OR AN OFFICER, AGENT  
29 OR EMPLOYEE OF, OR A PERSON UNDER CONTRACT WITH A  
30 COMMUNICATION COMMON CARRIER, IN THE USUAL COURSE OF THE

1 COMMUNICATION COMMON CARRIER'S BUSINESS; OR

2 (2) A PERSON UNDER CONTRACT WITH THE UNITED STATES, A  
3 STATE OR A POLITICAL SUBDIVISION THEREOF, OR AN OFFICER,  
4 AGENT OR EMPLOYEE OF A STATE OR A POLITICAL SUBDIVISION  
5 THEREOF,

6 TO POSSESS, SELL, DISTRIBUTE, MANUFACTURE, ASSEMBLE OR ADVERTISE  
7 ANY INTERCEPTING DEVICE, WHILE ACTING IN FURTHERANCE OF THE  
8 APPROPRIATE ACTIVITIES OF THE UNITED STATES, A STATE OR A  
9 POLITICAL SUBDIVISION THEREOF OR A COMMUNICATION COMMON CARRIER.

10 (B) RESPONSIBILITY.--THE ATTORNEY GENERAL AND THE DISTRICT <—  
11 ATTORNEY OR THEIR DESIGNEES SHALL HAVE THE SOLE RESPONSIBILITY  
12 TO BUY, POSSESS AND LOAN ANY INTERCEPTING DEVICE WHICH IS TO BE  
13 USED BY INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS FOR PURPOSES  
14 OF INTERCEPTION AS AUTHORIZED UNDER SECTION 5704(2) (RELATING TO  
15 EXCEPTIONS TO PROHIBITION ON INTERCEPTION AND DISCLOSURE OF  
16 COMMUNICATIONS), 5712 (RELATING TO ISSUANCE OF ORDER AND EFFECT)  
17 OR 5713 (RELATING TO EMERGENCY SITUATIONS).

18 § 5707. SEIZURE AND FORFEITURE OF INTERCEPTING DEVICES.

19 ANY INTERCEPTING DEVICE POSSESSED, USED, SENT, DISTRIBUTED,  
20 MANUFACTURED, OR ASSEMBLED IN VIOLATION OF THIS CHAPTER IS  
21 HEREBY DECLARED TO BE CONTRABAND AND MAY BE SEIZED AND FORFEITED  
22 TO THE COMMONWEALTH.

23 § 5708. ORDER AUTHORIZING INTERCEPTION OF WIRE OR ORAL  
24 COMMUNICATIONS.

25 THE ATTORNEY GENERAL, OR, DURING THE ABSENCE OR INCAPACITY OF  
26 THE ATTORNEY GENERAL, A DEPUTY ATTORNEY GENERAL DESIGNATED IN  
27 WRITING BY THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY OR,  
28 DURING THE ABSENCE OR INCAPACITY OF THE DISTRICT ATTORNEY, AN  
29 ASSISTANT DISTRICT ATTORNEY DESIGNATED IN WRITING BY THE  
30 DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE INTERCEPTION IS TO

1 BE MADE, MAY MAKE WRITTEN APPLICATION TO ANY ~~JUDGE DESIGNATED BY~~ <—  
2 ~~THE SUPREME COURT~~ SUPERIOR COURT JUDGE FOR AN ORDER AUTHORIZING  
3 THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION BY THE  
4 INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS OR AGENCY HAVING  
5 RESPONSIBILITY FOR AN INVESTIGATION INVOLVING SUSPECTED CRIMINAL  
6 ACTIVITIES WHEN SUCH INTERCEPTION MAY PROVIDE EVIDENCE OF THE  
7 COMMISSION OF ANY OF THE FOLLOWING OFFENSES, OR MAY PROVIDE  
8 EVIDENCE AIDING IN THE APPREHENSION OF THE PERPETRATOR OR  
9 PERPETRATORS OF ANY OF THE FOLLOWING OFFENSES:

10 (1) UNDER THIS TITLE:

11 SECTION 2501 (RELATING TO CRIMINAL HOMICIDE)

12 SECTION 2502 (RELATING TO MURDER)

13 SECTION 2503 (RELATING TO VOLUNTARY MANSLAUGHTER)

14 SECTION 2706 (RELATING TO TERRORISTIC THREATS)

15 SECTION 2901 (RELATING TO KIDNAPPING)

16 SECTION 3121 (RELATING TO RAPE)

17 SECTION 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL  
18 INTERCOURSE)

19 SECTION 3301 (RELATING TO ARSON AND RELATED OFFENSES)

20 SECTION 3302 (RELATING TO CAUSING OR RISKING  
21 CATASTROPHE)

22 SECTION 3502 (RELATING TO BURGLARY)

23 SECTION 3701 (RELATING TO ROBBERY)

24 SECTION 3921 (RELATING TO THEFT BY UNLAWFUL TAKING OR  
25 DISPOSITION)

26 SECTION 3922 (RELATING TO THEFT BY DECEPTION)

27 SECTION 3923 (RELATING TO THEFT BY EXTORTION)

28 SECTION 4701 (RELATING TO BRIBERY IN OFFICIAL AND  
29 POLITICAL MATTERS)

30 SECTION 4702 (RELATING TO THREATS AND OTHER IMPROPER

1 INFLUENCE IN OFFICIAL AND POLITICAL MATTERS)  
2 SECTION 5513 (RELATING TO GAMBLING DEVICES, GAMBLING,  
3 ETC.)  
4 SECTION 5514 (RELATING TO POOL SELLING AND  
5 BOOKMAKING)  
6 (2) UNDER THIS TITLE, WHERE SUCH OFFENSE IS DANGEROUS TO  
7 LIFE, LIMB OR PROPERTY AND PUNISHABLE BY IMPRISONMENT FOR  
8 MORE THAN ONE YEAR:  
9 SECTION 3925 (RELATING TO RECEIVING STOLEN PROPERTY)  
10 SECTION 3926 (RELATING TO THEFT OF SERVICES)  
11 SECTION 3927 (RELATING TO THEFT BY FAILURE TO MAKE  
12 REQUIRED DISPOSITION OF FUNDS RECEIVED)  
13 SECTION 4108 (RELATING TO COMMERCIAL BRIBERY AND  
14 BREACH OF DUTY TO ACT DISINTERESTEDLY)  
15 SECTION 4109 (RELATING TO RIGGING PUBLICLY EXHIBITED  
16 CONTEST)  
17 SECTION 4902 (RELATING TO PERJURY)  
18 SECTION 4907 (RELATING TO TAMPERING WITH WITNESSES  
19 AND INFORMANTS)  
20 SECTION 4909 (RELATING TO WITNESS OR INFORMANT TAKING  
21 BRIBE)  
22 SECTION 4911 (RELATING TO TAMPERING WITH PUBLIC  
23 RECORDS OR INFORMATION)  
24 SECTION 5101 (RELATING TO OBSTRUCTING ADMINISTRATION  
25 OF LAW OR OTHER GOVERNMENTAL FUNCTION)  
26 SECTION 5504 (RELATING TO HARASSMENT BY COMMUNICATION  
27 OR ADDRESS)  
28 SECTION 5902 (RELATING TO PROSTITUTION AND RELATED  
29 OFFENSES)  
30 (3) UNDER THE ACT OF JULY 22, 1970 (P.L.513, NO.178),

1 KNOWN AS THE "PENNSYLVANIA CIGARETTE TAX ACT," WHERE SUCH  
2 OFFENSE IS DANGEROUS TO LIFE, LIMB OR PROPERTY AND PUNISHABLE  
3 BY IMPRISONMENT FOR MORE THAN ONE YEAR:

4 SECTION 902. SALES OF UNSTAMPED CIGARETTES.

5 SECTION 903. POSSESSION OF UNSTAMPED CIGARETTES.

6 SECTION 904. COUNTERFEITING.

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

11 (5) ANY OFFENSE SET FORTH UNDER THE ACT OF NOVEMBER 15,  
12 1972 (P.L.1227, NO.272).

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

15 § 5709. APPLICATION FOR ORDER.

16 EACH APPLICATION FOR AN ORDER OF AUTHORIZATION TO INTERCEPT A  
17 WIRE OR ORAL COMMUNICATION SHALL BE MADE IN WRITING UPON THE  
18 PERSONAL OATH OR AFFIRMATION OF THE ATTORNEY GENERAL OR A  
19 DISTRICT ATTORNEY OF THE COUNTY WHEREIN THE INTERCEPTION IS TO  
20 BE MADE AND SHALL CONTAIN ALL OF THE FOLLOWING:

21 (1) A STATEMENT OF THE AUTHORITY OF THE APPLICANT TO  
22 MAKE SUCH APPLICATION.

23 (2) A STATEMENT OF THE IDENTITY AND QUALIFICATIONS OF  
24 THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS OR AGENCY FOR  
25 WHOM THE AUTHORITY TO INTERCEPT A WIRE OR ORAL COMMUNICATION  
26 IS SOUGHT.

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

30 (I) THE IDENTITY OF THE PARTICULAR PERSON, IF KNOWN,

1 COMMITTING THE OFFENSE AND WHOSE COMMUNICATIONS ARE TO BE  
2 INTERCEPTED.

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

5 (III) THE PARTICULAR TYPE OF COMMUNICATION TO BE  
6 INTERCEPTED.

7 (IV) A SHOWING THAT THERE IS PROBABLE CAUSE TO  
8 BELIEVE THAT SUCH COMMUNICATION WILL BE COMMUNICATED ON  
9 THE WIRE COMMUNICATION FACILITY INVOLVED OR AT THE  
10 PARTICULAR PLACE WHERE THE ORAL COMMUNICATION IS TO BE  
11 INTERCEPTED.

12 (V) THE CHARACTER AND LOCATION OF THE PARTICULAR  
13 WIRE COMMUNICATION FACILITIES INVOLVED OR THE PARTICULAR  
14 PLACE WHERE THE ORAL COMMUNICATION IS TO BE INTERCEPTED.

15 (VI) A STATEMENT OF THE PERIOD OF TIME FOR WHICH THE  
16 INTERCEPTION IS REQUIRED TO BE MAINTAINED, AND, IF THE  
17 CHARACTER OF THE INVESTIGATION IS SUCH THAT THE  
18 AUTHORIZATION FOR INTERCEPTION SHOULD NOT AUTOMATICALLY  
19 TERMINATE WHEN THE DESCRIBED TYPE OF COMMUNICATION HAS  
20 BEEN FIRST OBTAINED, A PARTICULAR STATEMENT OF FACTS  
21 ESTABLISHING PROBABLE CAUSE TO BELIEVE THAT ADDITIONAL  
22 COMMUNICATIONS OF THE SAME TYPE WILL OCCUR THEREAFTER.

23 (VII) A PARTICULAR STATEMENT OF FACTS SHOWING THAT  
24 OTHER NORMAL INVESTIGATIVE PROCEDURES WITH RESPECT TO THE  
25 OFFENSE HAVE BEEN TRIED AND HAVE FAILED, OR REASONABLY  
26 APPEAR TO BE UNLIKELY TO SUCCEED IF TRIED OR ARE TOO  
27 DANGEROUS TO EMPLOY.

28 (4) WHERE THE APPLICATION IS FOR THE RENEWAL OR  
29 EXTENSION OF AN ORDER, A PARTICULAR STATEMENT OF FACTS  
30 SHOWING THE RESULTS THUS FAR OBTAINED FROM THE INTERCEPTION,

1 OR A REASONABLE EXPLANATION OF THE FAILURE TO OBTAIN SUCH  
2 RESULTS.

3 (5) A COMPLETE STATEMENT OF THE FACTS CONCERNING ALL  
4 PREVIOUS APPLICATIONS, KNOWN TO THE APPLICANT MADE TO ANY  
5 COURT FOR AUTHORIZATION TO INTERCEPT A WIRE OR ORAL  
6 COMMUNICATION INVOLVING ANY OF THE SAME FACILITIES OR PLACES  
7 SPECIFIED IN THE APPLICATION OR INVOLVING ANY PERSON WHOSE  
8 COMMUNICATION IS TO BE INTERCEPTED, AND THE ACTION TAKEN BY  
9 THE COURT ON EACH SUCH APPLICATION.

10 (6) A PROPOSED ORDER OF AUTHORIZATION FOR CONSIDERATION  
11 BY THE JUDGE.

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

14 § 5710. GROUNDS FOR ENTRY OF ORDER.

15 (A) APPLICATION.--UPON CONSIDERATION OF AN APPLICATION, THE  
16 JUDGE MAY ENTER AN EX PARTE ORDER, AS REQUESTED OR AS MODIFIED,  
17 AUTHORIZING THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION  
18 ANYWHERE WITHIN THE COMMONWEALTH, IF THE JUDGE DETERMINES ON THE  
19 BASIS OF THE FACTS SUBMITTED BY THE APPLICANT THAT THERE IS  
20 PROBABLE CAUSE FOR BELIEF THAT ALL THE FOLLOWING CONDITIONS  
21 EXIST:

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

26 (2) PARTICULAR COMMUNICATIONS CONCERNING SUCH OFFENSE  
27 MAY BE OBTAINED THROUGH SUCH INTERCEPTION;

28 (3) NORMAL INVESTIGATIVE PROCEDURES WITH RESPECT TO SUCH  
29 OFFENSE HAVE BEEN TRIED AND HAVE FAILED OR REASONABLY APPEAR  
30 TO BE UNLIKELY TO SUCCEED IF TRIED OR TO BE TOO DANGEROUS TO



1 EMPLOY;

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

7 (5) THE INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS OR  
8 AGENCY TO BE AUTHORIZED TO INTERCEPT THE WIRE OR ORAL  
9 COMMUNICATION ARE QUALIFIED BY TRAINING AND EXPERIENCE TO  
10 EXECUTE THE INTERCEPTION SOUGHT, AND ARE CERTIFIED UNDER  
11 SECTION 5724 (RELATING TO TRAINING); AND

12 (6) IN THE CASE OF AN APPLICATION, OTHER THAN A RENEWAL  
13 OR EXTENSION, FOR AN ORDER TO INTERCEPT A COMMUNICATION OF A  
14 PERSON OR ON A FACILITY WHICH WAS THE SUBJECT OF A PREVIOUS  
15 ORDER AUTHORIZING INTERCEPTION, THE APPLICATION IS BASED UPON  
16 NEW EVIDENCE OR INFORMATION DIFFERENT FROM AND IN ADDITION TO  
17 THE EVIDENCE OR INFORMATION OFFERED TO SUPPORT THE PRIOR  
18 ORDER, REGARDLESS OF WHETHER SUCH EVIDENCE WAS DERIVED FROM  
19 PRIOR INTERCEPTIONS OR FROM OTHER SOURCES.

20 (B) CORROBORATIVE EVIDENCE.--AS PART OF THE CONSIDERATION OF  
21 AN APPLICATION IN WHICH THERE IS NO CORROBORATIVE EVIDENCE  
22 OFFERED, THE JUDGE MAY INQUIRE IN CAMERA AS TO THE IDENTITY OF  
23 ANY INFORMANTS OR ANY OTHER ADDITIONAL INFORMATION CONCERNING  
24 THE BASIS UPON WHICH THE INVESTIGATIVE OR LAW ENFORCEMENT  
25 OFFICER OR AGENCY HAS APPLIED FOR THE ORDER OF AUTHORIZATION  
26 WHICH THE JUDGE FINDS RELEVANT IN ORDER TO DETERMINE IF THERE IS  
27 PROBABLE CAUSE PURSUANT TO THIS SECTION.

28 § 5711. PRIVILEGED COMMUNICATIONS.

29 NO OTHERWISE PRIVILEGED COMMUNICATION INTERCEPTED IN  
30 ACCORDANCE WITH, OR IN VIOLATION OF, THE PROVISIONS OF THIS

1 CHAPTER SHALL LOSE ITS PRIVILEGED CHARACTER.

2 § 5712. ISSUANCE OF ORDER AND EFFECT.

3 (A) AUTHORIZING ORDERS.--EACH ORDER AUTHORIZING THE  
4 INTERCEPTION OF ANY WIRE OR ORAL COMMUNICATION SHALL STATE THE  
5 FOLLOWING:

6 (1) THE IDENTITY OF THE INVESTIGATIVE OR LAW ENFORCEMENT  
7 OFFICERS OR AGENCY TO WHOM THE AUTHORITY TO INTERCEPT A WIRE  
8 OR ORAL COMMUNICATION IS GIVEN AND THE NAME AND OFFICIAL  
9 IDENTITY OF THE PERSON WHO MADE THE APPLICATION.

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

12 (3) THE CHARACTER AND LOCATION OF THE PARTICULAR  
13 COMMUNICATION FACILITIES AS TO WHICH, OR THE PARTICULAR PLACE  
14 OF THE COMMUNICATION AS TO WHICH, AUTHORITY TO INTERCEPT IS  
15 GRANTED.

16 (4) A PARTICULAR DESCRIPTION OF THE TYPE OF THE  
17 COMMUNICATION TO BE INTERCEPTED AND A STATEMENT OF THE  
18 PARTICULAR OFFENSE TO WHICH IT RELATES.

19 (5) THE PERIOD OF TIME DURING WHICH SUCH INTERCEPTION IS  
20 AUTHORIZED, INCLUDING A STATEMENT AS TO WHETHER OR NOT THE  
21 INTERCEPTION SHALL AUTOMATICALLY TERMINATE WHEN THE DESCRIBED  
22 COMMUNICATION HAS BEEN FIRST OBTAINED.

23 (B) TIME LIMITS.--NO ORDER ENTERED UNDER THIS SECTION SHALL  
24 AUTHORIZE THE INTERCEPTION OF ANY WIRE OR ORAL COMMUNICATION FOR  
25 A PERIOD OF TIME IN EXCESS OF THAT NECESSARY UNDER THE  
26 CIRCUMSTANCES. EVERY ORDER ENTERED UNDER THIS SECTION SHALL  
27 REQUIRE THAT SUCH INTERCEPTION BEGIN AND TERMINATE AS SOON AS  
28 PRACTICABLE AND BE CONDUCTED IN SUCH A MANNER AS TO MINIMIZE OR  
29 ELIMINATE THE INTERCEPTION OF SUCH COMMUNICATIONS NOT OTHERWISE  
30 SUBJECT TO INTERCEPTION UNDER THIS ACT BY MAKING REASONABLE

1 EFFORTS, WHENEVER POSSIBLE, TO REDUCE THE HOURS OF INTERCEPTION  
2 AUTHORIZED BY SAID ORDER. EXCEPT AS PROVIDED IN SUBSECTION (C),  
3 NO ORDER ENTERED UNDER THIS SECTION SHALL AUTHORIZE THE  
4 INTERCEPTION OF WIRE OR ORAL COMMUNICATIONS FOR ANY PERIOD  
5 EXCEEDING 20 DAYS. AN EXTENSION OR RENEWAL OF SUCH AN ORDER MAY  
6 BE GRANTED FOR ONE ADDITIONAL PERIOD OF NOT MORE THAN 20 DAYS.  
7 NO EXTENSION OR RENEWAL SHALL BE GRANTED UNLESS AN APPLICATION  
8 FOR IT IS MADE IN ACCORDANCE WITH THIS SECTION, AND THE JUDGE  
9 MAKES THE FINDINGS REQUIRED BY SECTION 5710 (RELATING TO GROUNDS  
10 FOR ENTRY OF ORDER).

11 ~~(C) CONTINUING CONSPIRACY, ORGANIZED CRIME. NOTWITHSTANDING~~ <—  
12 ~~SUBSECTION (B), EXTENSIONS OF 30 DAYS EACH MAY BE GRANTED IF,~~  
13 ~~UPON APPLICATION, THE JUDGE MAKES THE FINDINGS REQUIRED BY~~  
14 ~~SECTION 5710, AND IN ADDITION FINDS PROBABLE CAUSE TO BELIEVE~~  
15 ~~THAT THE CRIME BEING INVESTIGATED IS RELATED TO ORGANIZED CRIME.~~

16 (C) RESPONSIBILITY.--THE ORDER SHALL REQUIRE THE ATTORNEY <—  
17 GENERAL OR THE DISTRICT ATTORNEY, OR THEIR DESIGNEES, TO BE  
18 RESPONSIBLE FOR THE SUPERVISION OF THE INTERCEPTION.

19 (D) PROGRESS REPORTS.--WHENEVER AN ORDER AUTHORIZING AN  
20 INTERCEPTION IS ENTERED, THE ORDER MAY REQUIRE REPORTS TO BE  
21 MADE TO THE JUDGE WHO ISSUED THE ORDER SHOWING WHAT PROGRESS HAS  
22 BEEN MADE TOWARD ACHIEVEMENT OF THE AUTHORIZED OBJECTIVE AND THE  
23 NEED FOR CONTINUED INTERCEPTION. THE REPORTS SHALL BE MADE AT  
24 SUCH INTERVALS AS THE JUDGE MAY REQUIRE.

25 (E) FINAL REPORT.--WHENEVER A SURVEILLANCE IS AUTHORIZED  
26 PURSUANT TO THIS SECTION, A COMPLETE WRITTEN LIST OF NAMES OF  
27 PARTICIPANTS AND EVIDENCE OF OFFENSES DISCOVERED, INCLUDING  
28 THOSE NOT STATED IN THE APPLICATION FOR ORDER, SHALL BE FILED  
29 WITH THE COURT AT THE TIME THE AUTHORIZED SURVEILLANCE IS  
30 TERMINATED.

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

16 (G) ENTRY BY LAW ENFORCEMENT OFFICERS.--AN ORDER AUTHORIZING  
17 THE INTERCEPTION OF A WIRE OR ORAL COMMUNICATION SHALL, IF  
18 REQUESTED, AUTHORIZE THE ENTRY OF PREMISES OR FACILITIES  
19 SPECIFIED IN SUBSECTION (A)(3), OR PREMISES NECESSARY TO OBTAIN  
20 ACCESS TO THE PREMISES OR FACILITIES SPECIFIED IN SUBSECTION  
21 (A)(3), BY THE LAW ENFORCEMENT OFFICERS SPECIFIED IN SUBSECTION  
22 (A)(1), AS OFTEN AS NECESSARY SOLELY FOR THE PURPOSES OF  
23 INSTALLING, MAINTAINING OR REMOVING AN INTERCEPTING DEVICE OR  
24 DEVICES PROVIDED THAT SUCH ENTRY IS REASONABLY NECESSARY TO  
25 ACCOMPLISH THE PURPOSES OF THIS CHAPTER AND PROVIDED THAT THE  
26 JUDGE WHO ISSUES THE ORDER SHALL BE NOTIFIED OF THE TIME AND  
27 METHOD OF EACH SUCH ENTRY PRIOR TO ENTRY IF PRACTICAL AND, IN  
28 ANY CASE, WITHIN 48 HOURS OF ENTRY.

29 § 5713. EMERGENCY SITUATIONS.

30 (A) APPLICATION.--WHENEVER, UPON INFORMAL APPLICATION BY THE

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

25 (B) FURTHER PROCEEDINGS.--IN THE EVENT NO APPLICATION IS  
26 MADE OR AN APPLICATION MADE PURSUANT TO THIS SECTION IS DENIED,  
27 THE COURT SHALL CAUSE AN INVENTORY TO BE SERVED AS PROVIDED IN  
28 SECTION 5716 (RELATING TO SERVICE OF INVENTORY AND INSPECTION OF  
29 INTERCEPTED COMMUNICATIONS) AND SHALL REQUIRE THE TAPE OR OTHER  
30 RECORDING OF THE INTERCEPTED COMMUNICATION TO BE DELIVERED TO,

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

15 § 5714. RECORDING OF INTERCEPTED COMMUNICATIONS.

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

25 (1) THE DATE AND HOURS OF SURVEILLANCE.

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

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

30 (4) A SUMMARY OF THE CONTENT OF EACH INTERCEPTED

1 COMMUNICATION.

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

17 § 5715. SEALING OF APPLICATIONS, ORDERS AND SUPPORTING PAPERS.  
18 APPLICATIONS MADE, FINAL REPORTS, AND ORDERS GRANTED PURSUANT  
19 TO THIS CHAPTER AND SUPPORTING PAPERS AND MONITOR'S RECORDS  
20 SHALL BE SEALED BY THE COURT AND SHALL BE HELD IN CUSTODY AS THE  
21 COURT SHALL DIRECT AND SHALL NOT BE DESTROYED EXCEPT ON ORDER OF  
22 THE COURT AND IN ANY EVENT SHALL BE KEPT FOR TEN YEARS. THEY MAY  
23 BE DISCLOSED ONLY UPON A SHOWING OF GOOD CAUSE BEFORE A COURT OF  
24 COMPETENT JURISDICTION EXCEPT THAT ANY INVESTIGATIVE OR LAW  
25 ENFORCEMENT OFFICER MAY DISCLOSE SUCH APPLICATIONS, ORDERS AND  
26 SUPPORTING PAPERS TO INVESTIGATIVE OR LAW ENFORCEMENT OFFICERS  
27 OF THIS OR ANOTHER STATE, ANY OF ITS POLITICAL SUBDIVISIONS, OR  
28 OF THE UNITED STATES TO THE EXTENT THAT SUCH DISCLOSURE IS  
29 APPROPRIATE TO THE PROPER PERFORMANCE OF THE OFFICIAL DUTIES OF  
30 THE OFFICER MAKING OR RECEIVING THE DISCLOSURE. IN ADDITION TO

1 ANY REMEDIES AND PENALTIES PROVIDED BY THIS CHAPTER, ANY  
2 VIOLATION OF THE PROVISIONS OF THIS SECTION MAY BE PUNISHED AS  
3 CONTEMPT OF THE COURT.

4 § 5716. SERVICE OF INVENTORY AND INSPECTION OF INTERCEPTED  
5 COMMUNICATIONS.

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

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

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

17 (3) THE PERIOD OF AUTHORIZED OR DISAPPROVED  
18 INTERCEPTION.

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

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

27 (C) INSPECTIONS.--THE COURT, UPON THE FILING OF A MOTION,  
28 SHALL MAKE AVAILABLE TO SUCH PERSONS OR THEIR ATTORNEYS FOR  
29 INSPECTION, THE INTERCEPTED COMMUNICATIONS AND MONITOR'S RECORDS  
30 TO WHICH THE MOVANT WAS A PARTICIPANT AND THE APPLICATIONS AND



1 ORDERS.

2 § 5717. DISCLOSURE OR USE OF CONTENTS OF WIRE OR ORAL  
3 COMMUNICATIONS OR DERIVATIVE EVIDENCE.

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

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

22 (C) OTHERWISE AUTHORIZED PERSONNEL.--ANY PERSON WHO, BY ANY  
23 MEANS AUTHORIZED BY THE LAWS OF ANOTHER STATE OR THE FEDERAL  
24 GOVERNMENT, HAS OBTAINED KNOWLEDGE OF THE CONTENTS OF ANY WIRE  
25 OR ORAL COMMUNICATION, OR EVIDENCE DERIVED THEREFROM, MAY  
26 DISCLOSE SUCH CONTENTS OR EVIDENCE TO AN INVESTIGATIVE OR LAW  
27 ENFORCEMENT OFFICER AND MAY DISCLOSE SUCH CONTENTS OR EVIDENCE  
28 WHERE OTHERWISE ADMISSIBLE WHILE GIVING TESTIMONY UNDER OATH OR  
29 AFFIRMATION IN ANY PROCEEDING IN ANY COURT OF THIS COMMONWEALTH.

30 § 5718. INTERCEPTION OF COMMUNICATIONS RELATING TO OTHER

1 OFFENSES.

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

20 § 5719. UNLAWFUL USE OR DISCLOSURE OF EXISTENCE OF ORDER  
21 CONCERNING INTERCEPTED COMMUNICATION.

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

26 § 5720. SERVICE OF COPY OF ORDER AND APPLICATION BEFORE  
27 DISCLOSURE OF INTERCEPTED COMMUNICATION IN TRIAL,  
28 HEARING OR PROCEEDING.

29 THE CONTENTS OF ANY WIRE OR ORAL COMMUNICATION INTERCEPTED IN  
30 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER, OR EVIDENCE

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

15 § 5721. SUPPRESSION OF CONTENTS OF INTERCEPTED COMMUNICATION OR  
16 DERIVATIVE EVIDENCE.

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

22 (1) THE COMMUNICATION WAS UNLAWFULLY INTERCEPTED.

23 (2) THE ORDER OF AUTHORIZATION IF REQUIRED IS <—  
24 INSUFFICIENT ON ITS FACE.

25 (3) THE INTERCEPTION UNLESS MADE IN OCCORDANCE WITH <—  
26 SECTION 5704 (RELATING TO EXCEPTIONS TO PROHIBITION ON  
27 INTERCEPTION AND DISCLOSURE OF COMMUNICATIONS) WAS NOT MADE  
28 IN CONFORMITY WITH THE ORDER OF AUTHORIZATION OR IN  
29 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 5712 (RELATING TO  
30 ISSUANCE OF ORDER AND EFFECT).

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

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

22 § 5722. REPORT BY ISSUING OR DENYING JUDGE.

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

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

30 (2) THE KIND OF ORDER APPLIED FOR.

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

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

6 (5) THE OFFENSE SPECIFIED IN THE ORDER, OR EXTENSION OR  
7 RENEWAL OF AN ORDER.

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

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

13 § 5723. ANNUAL REPORTS AND RECORDS OF ATTORNEY GENERAL AND  
14 DISTRICT ATTORNEYS.

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

21 (1) THE NUMBER OF APPLICATIONS MADE.

22 (2) THE NUMBER OF ORDERS ISSUED.

23 (3) THE EFFECTIVE PERIODS OF SUCH ORDERS.

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

25 (5) THE CRIMES IN CONNECTION WITH WHICH THE ORDERS WERE  
26 SOUGHT.

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

28 (7) SUCH OTHER AND FURTHER PARTICULARS AS THE  
29 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS MAY REQUIRE.

30 (B) ATTORNEY GENERAL.--IN ADDITION TO REPORTS REQUIRED TO BE

1 MADE BY APPLICANTS PURSUANT TO TITLE 18 U.S.C. § 2519, THE  
2 ATTORNEY GENERAL SHALL MAKE ANNUAL REPORTS ON THE OPERATION OF  
3 THIS CHAPTER TO THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA  
4 COURTS. THE REPORTS BY THE ATTORNEY GENERAL SHALL CONTAIN THE  
5 FOLLOWING INFORMATION:

6 (1) THE NUMBER OF APPLICATIONS MADE.

7 (2) THE NUMBER OR ORDERS ISSUED.

8 (3) THE EFFECTIVE PERIODS OF SUCH ORDERS.

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

10 (5) THE CRIMES IN CONNECTION WITH WHICH THE  
11 CONVERSATIONS WERE SOUGHT.

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

13 (7) THE NUMBER OF INDICTMENTS OR INFORMATIONS RESULTING  
14 FROM EACH APPLICATION.

15 (8) THE CRIME OR CRIMES WHICH EACH INDICTMENT OR  
16 INFORMATION CHARGES.

17 (9) THE DISPOSITION OF EACH INDICTMENT.

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

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

29 § 5724. TRAINING.

30 THE ATTORNEY GENERAL AND THE COMMISSIONER OF THE PENNSYLVANIA

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

12 § 5725. CIVIL ACTION FOR UNLAWFUL INTERCEPTION, DISCLOSURE OR  
13 USE OF WIRE OR ORAL COMMUNICATION.

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

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

23 (2) PUNITIVE DAMAGES.

24 (3) A REASONABLE ATTORNEYS' FEE AND OTHER LITIGATION  
25 COSTS REASONABLY INCURRED.

26 (B) WAIVER OF SOVEREIGN IMMUNITY.--TO THE EXTENT THAT THE  
27 COMMONWEALTH AND ANY OF ITS OFFICERS, OFFICIALS OR EMPLOYEES  
28 WOULD BE SHIELDED FROM LIABILITY UNDER THIS SECTION BY THE  
29 DOCTRINE OF SOVEREIGN IMMUNITY, SUCH IMMUNITY IS HEREBY WAIVED  
30 FOR THE PURPOSES OF THIS SECTION.

1 § 5726. ACTION FOR REMOVAL FROM OFFICE OR EMPLOYMENT.

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

14 ~~§ 5727. GOOD FAITH RELIANCE ON A COURT ORDER AS DEFENSE.~~ <—

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

19 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 60 DAYS AND CHAPTER  
20 57 SHALL EXPIRE IN FIVE YEARS THEREAFTER.