

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2971 Session of  
1990

INTRODUCED BY MAYERNIK, TANGRETTI, MARKOSEK, VAN HORNE, STABACK,  
SALOOM, PISTELLA, GIGLIOTTI, COLAIZZO, D. F. CLARK,  
DOMBROWSKI, RAYMOND, JOSEPHS AND CIVERA, NOVEMBER 12, 1990

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 12, 1990

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for wiretapping in  
3 relation to the use of cordless telephones.

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

6 Section 1. The definitions of "electronic communication,"  
7 "oral communication" and "wire communication" in section 5702 of  
8 Title 18 of the Pennsylvania Consolidated Statutes are amended  
9 to read:

10 § 5702. Definitions.

11 As used in this chapter, the following words and phrases  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Electronic communication." Any transfer of signs, signals,  
16 writing, images, sounds, data or intelligence of any nature  
17 transmitted in whole or in part by a wire, radio,  
18 electromagnetic, photoelectronic or photo-optical system,

1 except:

2 (1) [The radio portion of a cordless telephone  
3 communication that is transmitted between the cordless  
4 telephone handset and the base unit.

5 (2)] Any wire or oral communication.

6 [(3)] (2) Any communication made through a tone-only  
7 paging device.

8 [(4)] (3) Any communication from a tracking device (as  
9 defined in this section).

10 \* \* \*

11 "Oral communication." Any oral communication uttered by a  
12 person possessing an expectation that such communication is not  
13 subject to interception under circumstances justifying such  
14 expectation. When a person orally communicates in the use of a  
15 cordless or cellular telephone, he can reasonably expect that  
16 such communication is not subject to interception any more than  
17 if such communication was in the use of a conventional  
18 telephone. The term does not include any electronic  
19 communication.

20 \* \* \*

21 "Wire communication." Any aural transfer made in whole or in  
22 part through the use of facilities for the transmission of  
23 communication by wire, cable or other like connection between  
24 the point of origin and the point of reception, including the  
25 use of such a connection in a switching station, furnished or  
26 operated by a telephone, telegraph or radio company for hire as  
27 a communication common carrier. The term [does not include]  
28 includes the radio portion of a cordless telephone communication  
29 transmitted between the cordless telephone handset and the base  
30 unit.

1       Section 2.   This act shall take effect in 60 days.