

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2236 Session of
1991

INTRODUCED BY CALTAGIRONE, FEE, PRESTON, BILLOW AND CORRIGAN,
NOVEMBER 26, 1991

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 26, 1991

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for exceptions to
3 prohibition of interception and disclosure of communications.

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

6 Section 1. Section 5704 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a paragraph to read:

8 § 5704. Exceptions to prohibition of interception and
9 disclosure of communications.

10 It shall not be unlawful under this chapter for:

11 * * *

12 (13) A person not acting under color of law to intercept
13 a wire or oral communication, where the person is a party to
14 the communication or one of the parties to the communication
15 has given prior consent to such interception unless the
16 communication is intercepted or used for the purpose of
17 committing any criminal or tortious act in violation of the
18 Constitution or laws of the United States or of this

1 Commonwealth or for the purpose of committing any other
2 injurious act. The fact that the person is the subscriber to
3 a particular telephone does not constitute consent effective
4 to authorize interception of communications among parties not
5 including the person on that telephone. Any person who
6 unlawfully intercepts or uses such communication as provided
7 in this paragraph shall be subject to criminal or civil
8 liability imposed by law.

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