

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2592 Session of
1996

INTRODUCED BY MAITLAND, GANNON, FEESE, DALEY, KAISER, DEMPSEY,
FAIRCHILD, MELIO, FLEAGLE, EGOLF, LYNCH, FARGO, SAYLOR,
HALUSKA, MERRY, TRUE, FAJT, FICHTER, ZUG, CLARK, PETTIT,
PISTELLA, SHEEHAN, BARLEY, HUTCHINSON, RUBLEY, SCHULER,
BATTISTO, TIGUE, JADLOWIEC, NAILOR, JAROLIN, BIRMELIN, WOGAN,
HESS, WAUGH, GEIST, CORRIGAN, DIGIROLAMO, MASLAND, PLATTS,
STABACK, MILLER AND NICKOL, MAY 2, 1996

REFERRED TO COMMITTEE ON JUDICIARY, MAY 2, 1996

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for exceptions to
3 the interception and disclosure of communications by inmates
4 of county correctional institutions.

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

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

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

11 It shall not be unlawful under this chapter for:

12 * * *

13 (14) An investigative officer, a law enforcement officer
14 or employees of a county correctional facility to intercept,
15 record, monitor or divulge any telephone calls from or to an
16 inmate in a facility under the following conditions:

1 (i) The county correctional facility shall adhere to
2 the following procedures and restrictions when
3 intercepting, recording, monitoring or divulging any
4 telephone calls from or to an inmate in a county
5 correctional facility as provided for by this paragraph:

6 (A) Before the implementation of this paragraph,
7 all inmates of the facility shall be notified in
8 writing that, as of the effective date of this
9 paragraph, their telephone conversations may be
10 intercepted, recorded, monitored or divulged.

11 (B) Unless otherwise provided for in this
12 paragraph, after intercepting or recording a
13 telephone conversation, only the superintendent,
14 warden or a designee of the superintendent or warden
15 or other chief administrative official or his or her
16 designee shall have access to that recording.

17 (C) The contents of an intercepted and recorded
18 telephone conversation shall be divulged only as is
19 necessary to safeguard the orderly operation of the
20 facility, in response to a court order or in the
21 prosecution or investigation of any crime.

22 (ii) So as to safeguard the attorney-client
23 privilege, the county correctional facility shall not
24 intercept, record, monitor or divulge any conversation
25 between an inmate and an attorney.

26 (iii) Persons who are calling into a facility to
27 speak to an inmate shall be notified that the call may be
28 recorded or monitored.

29 (iv) The superintendent, warden or a designee of the
30 superintendent or warden or other chief administrative

1 official of the county correctional system shall
2 promulgate guidelines to implement the provisions of this
3 paragraph for county correctional facilities.

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