

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 223 Session of  
1995

INTRODUCED BY JUBELIRER, WILLIAMS, WAGNER, BELL, HELFRICK,  
SHUMAKER, SALVATORE, JONES, PUNT, STAPLETON, RHOADES, BAKER,  
WENGER, BRIGHTBILL, AFFLERBACH, LAVALLE, DAWIDA, SCHWARTZ,  
CORMAN, HECKLER, GERLACH, MADIGAN, ANDREZESKI, MUSTO, HOLL,  
HUGHES, HART, LEMMOND AND TARTAGLIONE, JANUARY 23, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, APRIL 19, 1995

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for criminal  
3 trespass; AND AUTHORIZING POLICE OFFICERS TO RECORD CERTAIN  
4 ORAL COMMUNICATIONS. <—

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

7 Section 1. Section 3503 of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:

9 § 3503. Criminal trespass.

10 \* \* \*

11 (b.1) Simple trespasser.--

12 (1) A person commits an offense if, knowing that he is  
13 not licensed or privileged to do so, he enters or remains in  
14 any place for the purpose of:

15 (i) threatening or terrorizing the owner or occupant  
16 of the premises;

1           (ii) starting or causing to be started any fire upon  
2           the premises; or  
3           (iii) defacing or damaging the premises.

4           (2) An offense under this subsection constitutes a  
5           summary offense.

6           \* \* \*

7           ~~Section 2. This act shall take effect in 60 days.~~ <—

8           SECTION 2. THE DEFINITION OF "ELECTRONIC, MECHANICAL OR <—  
9 OTHER DEVICE" IN SECTION 5702 OF TITLE 18 IS AMENDED BY ADDING A  
10 PARAGRAPH TO READ:

11 § 5702. DEFINITIONS.

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

15           \* \* \*

16 "ELECTRONIC, MECHANICAL OR OTHER DEVICE." ANY DEVICE OR  
17 APPARATUS, INCLUDING AN INDUCTION COIL, THAT CAN BE USED TO  
18 INTERCEPT A WIRE, ELECTRONIC OR ORAL COMMUNICATION OTHER THAN:

19           \* \* \*

20           (3) EQUIPMENT OR DEVICES USED TO CONDUCT INTERCEPTIONS  
21 UNDER SECTION 5704(13) (RELATING TO EXCEPTIONS TO PROHIBITION  
22 OF INTERCEPTION AND DISCLOSURE OF COMMUNICATIONS).

23           \* \* \*

24 SECTION 3. SECTION 5704 OF TITLE 18 IS AMENDED BY ADDING A  
25 PARAGRAPH TO READ:

26 § 5704. EXCEPTIONS TO PROHIBITION OF INTERCEPTION AND  
27 DISCLOSURE OF COMMUNICATIONS.

28 IT SHALL NOT BE UNLAWFUL UNDER THIS CHAPTER FOR:

29           \* \* \*

30           (13) (I) A POLICE OFFICER WHO HAS THE AUTHORITY TO

1 ENFORCE TITLE 75 (RELATING TO VEHICLES) AND WHO STOPS A  
2 VEHICLE FOR A SUSPECTED VIOLATION OF TITLE 75 WHILE ON  
3 DUTY AND UTILIZING AN AUDIO INTERCEPTING DEVICE TO  
4 INTERCEPT THE ORAL COMMUNICATIONS OCCURRING BETWEEN THAT  
5 POLICE OFFICER AND ANY OTHER PERSON PRESENT AT THE  
6 LOCATION OF AND DURING THE VEHICLE STOP. A POLICE  
7 DEPARTMENT, AGENCY OR OFFICE SHALL NOT BY ORDER,  
8 REGULATION OR OTHERWISE REQUIRE AN OFFICER TO ACTIVATE AN  
9 AUDIO DEVICE MOUNTED OR CARRIED IN THE OFFICER'S VEHICLE  
10 EXCEPT IN THE FOLLOWING SITUATIONS:

11 (A) WHEN THE POLICE OFFICER MAKES USE OF THE  
12 AUDIBLE WARNING SYSTEM AUTHORIZED BY 75 PA.C.S. §  
13 4571 (RELATING TO VISUAL AND AUDIBLE SIGNALS ON  
14 EMERGENCY VEHICLES);

15 (B) WHEN THE POLICE OFFICER IS MAKING USE OF THE  
16 VISUAL SIGNALS AUTHORIZED BY 75 PA.C.S. § 4571; OR

17 (C) WHEN THE POLICE OFFICER IS MAKING USE OF THE  
18 AUDIBLE WARNING SYSTEM AND VISUAL SIGNALS.

19 (II) FOR PURPOSES OF THIS PARAGRAPH, THE TERM  
20 "POLICE OFFICER" SHALL MEAN AN INDIVIDUAL WHO HAS THE  
21 AUTHORITY TO ENFORCE TITLE 75.

22 SECTION 4. SECTION 5717 OF TITLE 18 IS AMENDED BY ADDING A  
23 SUBSECTION TO READ:

24 § 5717. DISCLOSURE OR USE OF CONTENTS OF WIRE, ELECTRONIC OR  
25 ORAL COMMUNICATIONS OR DERIVATIVE EVIDENCE.

26 \* \* \*

27 (D) LIMITATION ON CERTAIN INTERCEPTIONS.--ANY AUDIO  
28 COMMUNICATIONS RECORDED UNDER SECTION 5704(13) (RELATING TO  
29 EXCEPTIONS TO PROHIBITION OF INTERCEPTION AND DISCLOSURE OF  
30 COMMUNICATIONS) AND ANY EVIDENCE DERIVED THEREFROM SHALL BE

1 ADMISSIBLE ONLY WHEN GIVING TESTIMONY UNDER OATH OR AFFIRMATION  
2 IN ANY PROCEEDING IN ANY COURT OF THIS COMMONWEALTH ON MATTERS  
3 RELATING TO ALLEGED MISCONDUCT BY ANY INDIVIDUAL RECORDED ON THE  
4 AUDIO RECORDING.

5       SECTION 5.   THIS ACT SHALL TAKE EFFECT IN 60 DAYS.