

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL****No. 369** Session of  
2001

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INTRODUCED BY GERLACH, PUNT, BELL, WENGER, CORMAN, WAGNER,  
THOMPSON, MOWERY, WOZNIAK, LOGAN AND TILGHMAN,  
FEBRUARY 7, 2001

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SENATOR THOMPSON, APPROPRIATIONS, RE-REPORTED AS AMENDED,  
DECEMBER 3, 2001

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## AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
2 the Pennsylvania Consolidated Statutes, authorizing police  
3 officers to record certain oral communications; and further  
4 providing for windshield obstructions and wipers.

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

7 Section 1. Sections 5704 and 5706(b) of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended by adding  
9 paragraphs to read:

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

12 It shall not be unlawful and no prior court approval shall be  
13 required under this chapter for:

14 \* \* \*

15 (16) (i) A law enforcement officer acting in the  
16 performance of his official duties to intercept and  
17 record an oral communication between individuals if, at

1       the time of the interception, the oral communication  
2       occurs outside the ~~homes~~ RESIDENCES of any of the  
3       individuals and the law enforcement officer:

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4               (A) is operating the visual or audible warning  
5               system of the law enforcement officer's vehicle  
6               authorized by 75 Pa.C.S. § 4571 (relating to visual  
7               and audible signals on emergency vehicles) or  
8               otherwise identifies himself as a law enforcement  
9               officer;

10              (B) is in close proximity to the individuals'  
11              oral communication; and

12              (C) notifies, as soon as practicable, the  
13              individuals identifiably present at the location that  
14              the oral communication is being or has been  
15              intercepted and recorded.

16              (ii) For the purposes of this paragraph, "law  
17              enforcement officer" shall mean a member of the  
18              Pennsylvania State Police or an individual employed as a  
19              police officer who has received the certification  
20              required under 53 Pa.C.S. Ch. 21 Subch. D (relating to  
21              municipal police education and training).

22 § 5706. Exceptions to prohibitions in possession, sale,  
23              distribution, manufacture or advertisement of  
24              electronic, mechanical or other devices.

25       \* \* \*

26       (b) Responsibility.--

27              (1) Except as provided under paragraph (2), the Attorney  
28       General and the district attorney or their designees so  
29       designated in writing shall have the sole responsibility to  
30       buy, possess and loan any electronic, mechanical or other

1 device which is to be used by investigative or law  
2 enforcement officers for purposes of interception as  
3 authorized under section 5704(2), (5) and (12) (relating to  
4 exceptions to prohibition of interception and disclosure of  
5 communications), 5712 (relating to issuance of order and  
6 effect), 5713 (relating to emergency situations) or 5713.1  
7 (relating to emergency hostage and barricade situations).

8 (2) The division or bureau or section of the  
9 Pennsylvania State Police responsible for conducting the  
10 training in the technical aspects of wiretapping and  
11 electronic surveillance as required by section 5724 (relating  
12 to training) may buy and possess any electronic, mechanical  
13 or other device which is to be used by investigative or law  
14 enforcement officers for purposes of interception as  
15 authorized under section 5704(2), (5) and (12), 5712, 5713 or  
16 5713.1 for the purpose of training. However, any electronic,  
17 mechanical or other device bought or possessed under this  
18 provision may be loaned to or used by investigative or law  
19 enforcement officers for purposes of interception as  
20 authorized under section 5704(2), (5) and (12), 5712, 5713 or  
21 5713.1 only upon written approval by the Attorney General or  
22 a deputy attorney general designated in writing by the  
23 Attorney General, or the district attorney or an assistant  
24 district attorney designated in writing by the district  
25 attorney of the county wherein the interception is to be  
26 made.

27 (3) With the permission of the Attorney General or a  
28 district attorney who has designated any supervising law  
29 enforcement officer for purposes of interceptions as  
30 authorized under section 5713.1, the law enforcement agency

1       which employs the supervising law enforcement officer may  
2       buy, possess, loan or borrow any electronic, mechanical or  
3       other device which is to be used by investigative or law  
4       enforcement officers at the direction of the supervising law  
5       enforcement officer solely for the purpose of interception as  
6       authorized under sections 5704(12) and 5713.1.

7       (4) The Pennsylvania State Police shall annually  
8       establish equipment standards for any electronic, mechanical  
9       or other device which is to be used by law enforcement  
10      officers for purposes of interception as authorized under  
11      section 5704(16). The equipment standards shall be published  
12      annually in the Pennsylvania Bulletin.

13      Section 2. Section 4524 of Title 75 is amended by adding a  
14      subsection to read:

15      § 4524. Windshield obstructions and wipers.

16      \* \* \*

17      (f) Exception.--This section does not apply to mobile video  
18      recording equipment installed in a vehicle exclusively used for  
19      official police purposes.

20      Section 3. This act shall take effect in 60 days.