
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1805 Session of
2005

INTRODUCED BY COHEN, WATERS, WALKO, JAMES, DALEY, FABRIZIO,
READSHAW, STABACK, GOODMAN, SHANER, ROEBUCK, PISTELLA,
THOMAS, YOUNGBLOOD AND CURRY, JUNE 28, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 28, 2005

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 and defining the offense of video or audio monitoring.

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

7 Section 1. Section 5704(4) of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended to read:

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

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

13 * * *

14 (4) A person, to intercept a wire, electronic or oral
15 communication, where all parties to the communication
16 have given prior consent to such interception. In an
17 employment situation, consent of all parties is
18 established only if the employer provides clear and

1 conspicuous notice to its employees, in a manner
2 reasonably calculated to provide actual notice,
3 describing:

4 (i) The form of communication or computer usage that
5 will be monitored.

6 (ii) The means by which such monitoring will be
7 accomplished and the kinds of information that will be
8 obtained through such monitoring, including whether
9 communications or computer usage not related to the
10 employer's business are likely to be monitored.

11 (iii) The frequency of such monitoring.

12 (iv) How information obtained by such monitoring
13 will be stored, used or disclosed.

14 * * *

15 Section 2. Title 18 is amended by adding a section to read:

16 § 5776. Video or audio monitoring.

17 (a) Offense defined.--No employer or agent of an employer
18 may engage in video or audio monitoring of an employee in a
19 bathroom, dressing room, locker room or other areas where
20 employees change clothing unless such monitoring is authorized
21 by court order.

22 (b) Penalty.--An employer who intentionally and knowingly
23 violates subsection (a) commits a misdemeanor of the third
24 degree.

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