
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1425 Session of
2007

INTRODUCED BY COHEN, JAMES, CALTAGIRONE, ROEBUCK, PETRONE,
FREEMAN, JOSEPHS, STABACK, DALEY, SURRA, MELIO, GEIST,
SCHRODER, BLACKWELL, CURRY, DePASQUALE, FABRIZIO, GIBBONS,
GRUCELA, KULA, LEACH, MAHONEY, MANDERINO, McGEEHAN, PALLONE,
READSHAW, SAINATO, SIPTROTH, VITALI, WANSACZ, WATERS,
WHEATLEY AND YOUNGBLOOD, JUNE 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2007

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

1 established only if the employer provides clear and
2 conspicuous notice to its employees, in a manner
3 reasonably calculated to provide actual notice,
4 describing:

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

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

12 (iii) The frequency of such monitoring.

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

15 * * *

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

17 § 5776. Video or audio monitoring.

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

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

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