

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2400 Session of 2012

INTRODUCED BY MARSICO, CALTAGIRONE, STEPHENS, TURZAI, AUMENT, BAKER, BARBIN, BARRAR, BOBACK, BOYD, CLYMER, D. COSTA, DELOZIER, ELLIS, EVERETT, GEIST, GILLESPIE, GINGRICH, GRELL, GROVE, HACKETT, HARPER, HARRIS, HELM, HENNESSEY, HICKERNELL, KAUFFMAN, M. K. KELLER, KILLION, KNOWLES, KOTIK, MAJOR, MILLARD, MILLER, MILNE, MOUL, O'NEILL, PAYNE, PETRI, PICKETT, PYLE, QUINN, ROCK, SAYLOR, SCAVELLO, TAYLOR, TOBASH, TOOHIL, VEREB, VULAKOVICH AND WATSON, MAY 21, 2012

REFERRED TO COMMITTEE ON JUDICIARY, MAY 21, 2012

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for definitions,
3 for exceptions to prohibition of interception and disclosure
4 of communications, for possession, sale, distribution,
5 manufacture or advertisement of electronic, mechanical or
6 other devices, for issuance of order and effect; providing
7 for target-specific orders; and further providing for
8 emergency hostage and barricade situations, for investigative
9 disclosure or use of contents of wire, electronic or oral
10 communications or derivative evidence, for evidentiary
11 disclosure of contents of intercepted communication or
12 derivative evidence, for requirements for governmental
13 access, for cost reimbursement, for mobile tracking devices,
14 for application for an order for use of certain devices and
15 for issuance of an order for use of certain devices.

16 The General Assembly of the Commonwealth of Pennsylvania
17 hereby enacts as follows:

18 Section 1. The definitions of "electronic communication
19 service," "electronic communication system," "oral
20 communication," "trap and trace device" and "wire communication"
21 in section 5702 of Title 18 of the Pennsylvania Consolidated

1 Statutes are amended and the section is amended by adding
2 definitions to read:

3 § 5702. Definitions.

4 As used in this chapter, the following words and phrases
5 shall have the meanings given to them in this section unless the
6 context clearly indicates otherwise:

7 * * *

8 "Communication service." Any service which provides to users
9 the ability to send or receive wire or electronic
10 communications.

11 "Communication system." Any wire, radio, electromagnetic,
12 photo-optical or photoelectronic facilities for the transmission
13 of communications, and any computer facilities or related
14 electronic equipment for the electronic storage of such
15 communications.

16 "Constructive notice." Notice provided by any means
17 sufficient to apprise a reasonable person that an oral
18 communication is or may be subject to interception.

19 "Crime of violence." Any of the following:

20 (1) Any of the following crimes:

21 (i) Murder in any degree.

22 (ii) A crime of violence as defined in 42 Pa.C.S. §
23 9714(g) (relating to sentences for second and subsequent
24 offenses).

25 (iii) Intimidation of witness or victim.

26 (iv) Retaliation against witness, victim or party.

27 (v) Criminal attempt, criminal conspiracy or
28 criminal solicitation to commit any of the offenses under
29 this paragraph.

30 (2) Any crime requiring registration under 42 Pa.C.S.

1 Ch. 97 Subch. H (relating to registration of sexual
2 offenders).

3 (3) Any offense equivalent to an offense under paragraph
4 (1) or (2) under the laws of this Commonwealth in effect at
5 the time of the commission of that offense or under the laws
6 of another jurisdiction.

7 * * *

8 ["Electronic communication service." Any service which
9 provides to users the ability to send or receive wire or
10 electronic communications.

11 "Electronic communication system." Any wire, radio,
12 electromagnetic, photo-optical or photoelectronic facilities for
13 the transmission of electronic communications, and any computer
14 facilities or related electronic equipment for the electronic
15 storage of such communications.]

16 * * *

17 "Mobile communications tracking information." Information
18 generated by a communication common carrier or a communication
19 service which indicates the location of an electronic device
20 supported by the communication common carrier or communication
21 service.

22 * * *

23 "Oral communication." Any oral communication uttered by a
24 person possessing an expectation that such communication is not
25 subject to interception under circumstances justifying such
26 expectation. An expectation is not justified if it is
27 objectively reasonable that what is spoken will or could be
28 overheard by another person not directly participating in the
29 communication, if actual or constructive notice has been given
30 that audio recording or other interception is or may be

1 occurring or if equipment commonly used for video and audio
2 recording is plainly visible. The term does not include any
3 electronic communication.

4 * * *

5 "Signed, written record." A memorialization of the contents
6 of any wire, electronic or oral communication intercepted in
7 accordance with this subchapter, including the name of the
8 investigative or law enforcement officer who transcribed the
9 record, kept in electronic, paper or any form. The signature of
10 the transcribing officer shall not be required to be written,
11 but may be electronic.

12 * * *

13 "Trap and trace device." A device which captures the
14 incoming electronic or other impulses which identify the
15 originating number of an instrument or device from which a wire
16 or [electronic] communication was transmitted. The term includes
17 caller ID, deluxe caller ID or any other features available to
18 ascertain the telephone number, location or subscriber
19 information of a facility contacting the facility whose
20 communications are to be intercepted.

21 * * *

22 "Wire communication." Any aural transfer made in whole or in
23 part through the use of facilities for the transmission of
24 communication by wire, cable or other like connection between
25 the point of origin and the point of reception, including the
26 use of such a connection in a switching station, furnished or
27 operated by a telephone, telegraph or radio company for hire as
28 a communication common carrier. [The term includes any
29 electronic storage of such communication.]

30 Section 2. Section 5704(2)(ii), (12)(ii), (13)(i)(B) and

1 (14) (i) (B) of Title 18 are amended, paragraph (2) is amended by
2 adding a subparagraph and the section is amended by adding a
3 paragraph to read:

4 § 5704. Exceptions to prohibition of interception and
5 disclosure of communications.

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

8 * * *

9 (2) Any investigative or law enforcement officer or any
10 person acting at the direction or request of an investigative
11 or law enforcement officer to intercept a wire, electronic or
12 oral communication involving suspected criminal activities,
13 including, but not limited to, the crimes enumerated in
14 section 5708 (relating to order authorizing interception of
15 wire, electronic or oral communications), where:

16 (i) the communication was knowingly transmitted in
17 any fashion to a third party by its author or another
18 sender and an investigative or law enforcement officer
19 legally obtains the communication or a copy of the
20 communication or the device to which it is sent from the
21 third party. Notwithstanding any other provision of this
22 chapter, an investigative or law enforcement officer may
23 contemporaneously intercept and respond to communications
24 sent to a third party, if he has legally obtained the
25 device to which the communications are being sent,
26 without disclosing his identity to the sender or author;

27 (ii) one of the parties to the communication has
28 given prior consent to such interception. However, no
29 interception under this paragraph shall be made unless
30 the Attorney General or a deputy attorney general

1 designated in writing by the Attorney General, or the
2 district attorney, or an assistant district attorney
3 designated in writing by the district attorney, of the
4 county wherein the interception is to be [made]
5 initiated, has reviewed the facts and is satisfied that
6 the consent is voluntary and has given prior approval for
7 the interception; however, such interception shall be
8 subject to the recording and record keeping requirements
9 of section 5714(a) (relating to recording of intercepted
10 communications) and that the Attorney General, deputy
11 attorney general, district attorney or assistant district
12 attorney authorizing the interception shall be the
13 custodian of recorded evidence obtained therefrom;

14 * * *

15 (12) Any investigative or law enforcement officer or any
16 person acting at the direction or request of an investigative
17 or law enforcement officer to intercept a wire or oral
18 communication involving suspected criminal activities where
19 the officer or the person is a party to the communication and
20 there is reasonable cause to believe that:

21 * * *

22 (ii) that party:

23 (A) [will] may resist with the use of weapons;

24 or

25 (B) is threatening suicide or harm to himself or

26 others.

27 (13) An investigative officer, a law enforcement officer
28 or employees of the Department of Corrections for State
29 correctional facilities to intercept, record, monitor or
30 divulge any telephone calls from or to an inmate in a

1 facility under the following conditions:

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

7 * * *

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

15 * * *

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

20 (i) The county correctional facility shall adhere to
21 the following procedures and restrictions when
22 intercepting, recording, monitoring or divulging any
23 telephone calls from or to an inmate in a county
24 correctional facility as provided for by this paragraph:

25 * * *

26 (B) Unless otherwise provided for in this
27 paragraph, after intercepting or recording a
28 telephone conversation, only the superintendent,
29 warden or a designee of the superintendent or warden
30 or other chief administrative official or his or her

1 designee, or law enforcement officers shall have
2 access to that recording.

3 * * *

4 (17) Any individual to intercept the contents of any
5 wire, electronic or oral communication if that person is
6 under a reasonable suspicion that the intercepted party is
7 committing, about to commit or has committed a crime of
8 violence or felony of the first degree and there is reason to
9 believe that evidence of the crime may be obtained from the
10 interception. This paragraph shall not apply to interceptions
11 made at the prior direction of any law enforcement officer.

12 Section 3. Section 5705 heading of Title 18 is amended and
13 the section is amended by adding a paragraph to read:

14 § 5705. Possession, sale, distribution, manufacture or
15 advertisement of electronic, mechanical or other
16 devices and telecommunication identification
17 interception devices.

18 Except as otherwise specifically provided in section 5706
19 (relating to exceptions to prohibitions in possession, sale,
20 distribution, manufacture or advertisement of electronic,
21 mechanical or other devices), a person is guilty of a felony of
22 the third degree if he does any of the following:

23 * * *

24 (5) Knowingly possesses a telecommunication
25 identification interception device.

26 Section 4. Sections 5712(a) introductory paragraph and (f)
27 of Title 18 are amended to read:

28 § 5712. Issuance of order and effect.

29 (a) Authorizing orders.--[Each] An order authorizing the
30 interception of any wire, electronic or oral communication shall

1 state the following:

2 * * *

3 (f) Assistance.--An order authorizing the interception of a
4 wire, electronic or oral communication shall, upon request of
5 the applicant, direct that a provider of [electronic]
6 communication service shall furnish the applicant forthwith all
7 information, facilities and technical assistance necessary to
8 accomplish the interception unobtrusively and with a minimum of
9 interference with the services that such service provider is
10 affording the person whose communications are to be intercepted.
11 The obligation of a provider of [electronic] communication
12 service under such an order may include, but is not limited to,
13 installation of a pen register or of a trap and trace device
14 [and], providing caller ID, deluxe caller ID or any other
15 features available to ascertain the telephone number, location
16 or subscriber information of a facility contacting the facility
17 whose communications are to be intercepted, disclosure of a
18 record or other information otherwise available under section
19 5743 (relating to requirements for governmental access),
20 including conducting an in-progress trace during an
21 interception, provided that such obligation of a provider of
22 [electronic] communications service is technologically feasible.
23 The order shall apply regardless of whether the electronic
24 service provider is headquartered within this Commonwealth, if
25 the interception is otherwise conducted within this Commonwealth
26 as provided under this chapter. The order regarding disclosure
27 of a record or other information otherwise available under
28 section 5743 shall apply to all electronic service providers who
29 service facilities which contact or are contacted by the
30 facility whose communications are to be intercepted, regardless

of whether the order specifically names any provider of
communication service. The order may specify the period of time
an electronic service provider has to furnish to the applicant
who requests disclosure of a record or other information
otherwise available under section 5743. Any provider of
[electronic] communication service furnishing such facilities or
technical assistance shall be compensated therefor by the
applicant for reasonable expenses incurred in providing the
facilities or assistance. The service provider shall be immune
from civil and criminal liability for any assistance rendered to
the applicant pursuant to this section.

* * *

Section 5. Title 18 is amended by adding a section to read:
§ 5712.1. Target-specific orders.

(a) Target-specific wiretaps.--The requirements of sections
5712(a)(3) (relating to issuance of order and effect) and
5709(3)(iv) and (v) (relating to application for order) shall
not apply if:

(1) In the case of an application with respect to the
interception of an oral communication, all of the following
apply:

(i) The application contains a full and complete
statement as to why specification is not practical and
identifies the person committing the offense and whose
communications are to be intercepted.

(ii) The judge finds the specification is not
practical.

(2) In the case of an application with respect to a wire
or electronic communication, all of the following apply:

(i) The application identifies the person believed

1 to be committing the offense and whose communications are
2 to be intercepted and the applicant makes a showing that
3 there is probable cause to believe that the person's
4 actions could have the effect of thwarting interception
5 by changing facilities or devices.

6 (ii) The judge finds that the purpose has been
7 adequately shown.

8 (b) Supplementary orders.--Following the issuance of a
9 target-specific wiretap order, the judge shall sign
10 supplementary orders upon request and in a timely manner,
11 authorizing the investigative or law enforcement officers or
12 agency to intercept additional communications devices or
13 facilities upon a showing of reasonable suspicion that all of
14 the following apply:

15 (1) The target of the original order has in fact changed
16 communications devices or facilities or is presently using
17 additional communications devices, communications facilities
18 or places.

19 (2) The target of the original order is likely to use
20 the specified communications device or facility for criminal
21 purposes similar to or related to those specified in the
22 original order.

23 (c) Application for supplementary orders.--An application
24 for a supplementary order shall contain all of the following:

25 (1) The identity of the investigative or law enforcement
26 officers or agency to whom the authority to intercept wire,
27 electronic or oral communications is given and the name and
28 official identity of the person who made the application.

29 (2) The identity of or a particular description of the
30 person, if known, whose communications are to be intercepted.

1 (3) The period of time during which the interception is
2 authorized, including a statement as to whether or not the
3 interception shall automatically terminate when the described
4 communication has been first obtained.

5 (4) A showing of reasonable suspicion that the target of
6 the original order has in fact changed communications devices
7 or facilities.

8 (5) A showing of reasonable suspicion that the target of
9 the original order is likely to use the additional facility
10 or device or place for criminal purposes similar to or
11 related to those specified in the original order.

12 (d) Time limits.--A supplementary order shall not act as an
13 extension of the time limit identified in section 5712(b).

14 (e) Responsibility.--The order shall require the Attorney
15 General or the district attorney, or their designees, to be
16 responsible for the supervision of the interception.

17 (f) Progress reports.--If an order authorizing an
18 interception is entered, the order may require reports to be
19 made to the judge who issued the order showing what progress has
20 been made toward achievement of the authorized objective and the
21 need for continued interception. The reports shall be made at
22 intervals as the judge may require.

23 (g) Final report.--If an interception is authorized under
24 this section, a complete written list of names of participants
25 and evidence of offenses discovered, including those not stated
26 in the application for order, shall be filed with the court as
27 soon as practical after the authorized interception is
28 terminated.

29 (h) Assistance.--

30 (1) An order authorizing the interception of a wire,

1 electronic or oral communication shall, upon request of the
2 applicant, direct that a provider of communication service
3 furnish the applicant with all information, facilities and
4 technical assistance necessary to accomplish the interception
5 unobtrusively and with a minimum of interference with the
6 services that the service provider is affording the person
7 whose communications are to be intercepted.

8 (2) The obligation of a provider of communication
9 service under an order may include installation of a pen
10 register or trap and trace device and disclosure of a record
11 or other information otherwise available under section 5743
12 (relating to requirements for governmental access), including
13 conducting an in-progress trace during an interception, if
14 the obligation of a provider of communications service is
15 technologically feasible.

16 (3) A provider of communication service furnishing
17 facilities or technical assistance shall be compensated by
18 the applicant for reasonable expenses incurred in providing
19 the facilities or assistance.

20 (4) A service provider shall be immune from civil and
21 criminal liability for any assistance rendered to an
22 applicant under this section.

23 (i) Entry by law enforcement officers.--An order authorizing
24 the interception of a wire, electronic or oral communication
25 shall, if requested, authorize the entry of premises or
26 facilities specified under subsection (c)(3) or premises
27 necessary to obtain access to the premises or facilities
28 specified under subsection (c)(3) by law enforcement officers
29 specified under subsection (c)(1) as often as necessary solely
30 for the purposes of installing, maintaining or removing an

electronic, mechanical or other device, if all of the following
apply:

(1) The entry is reasonably necessary to accomplish the
purposes of this subchapter.

(2) The judge who issues the order is notified of the
time and method of each entry prior to entry within 48 hours
of entry.

Section 6. Section 5713.1(d) of Title 18 is amended to read:

§ 5713.1. Emergency hostage and barricade situations.

* * *

(d) Definitions.--As used in this section, the following
words and phrases shall have the meanings given to them in this
subsection:

"Emergency situation." Any situation where:

(1) a person is holding a hostage and is threatening
serious physical injury [will] and may resist with the use of
weapons; or

(2) a person has barricaded himself and taken a position
of confinement to avoid apprehension and:

(i) has [threatened] the ability to resist with the
use of weapons; or

(ii) is threatening suicide or harm to himself or
others.

"Supervising law enforcement officer."

(1) For designations by a district attorney, any law
enforcement officer trained pursuant to section 5724
(relating to training) to carry out interceptions under this
section who has attained the rank of lieutenant or higher in
a law enforcement agency within the county or who is in
charge of a county law enforcement agency.

1 (2) For designations by the Attorney General, any member
2 of the Pennsylvania State Police trained pursuant to section
3 5724 to carry out interceptions under this section and
4 designated by the Commissioner of the Pennsylvania State
5 Police who:

6 (i) has attained the rank of lieutenant or higher;
7 or

8 (ii) is in charge of a Pennsylvania State Police
9 barracks.

10 Section 7. Section 5717(a) of Title 18 is amended and the
11 section is amended by adding subsections to read:

12 § 5717. Investigative disclosure or use of contents of wire,
13 electronic or oral communications or derivative
14 evidence.

15 (a) Law enforcement personnel.--Any investigative or law
16 enforcement officer who, under subsection (a.1) [or (b)], (a.2),
17 (b) or (c), has obtained knowledge of the contents of any wire,
18 electronic or oral communication, or evidence derived therefrom,
19 may disclose such contents or evidence to another investigative
20 or law enforcement officer to the extent that such disclosure is
21 appropriate to the proper performance of the official duties of
22 the officer making or receiving the disclosure.

23 * * *

24 (a.2) Civilians.--Any person other than an investigative or
25 law enforcement officer who, as party to the communication, has
26 obtained knowledge of the contents of any wire, electronic or
27 oral communication, or evidence derived from any wire,
28 electronic or oral communication, may disclose the contents or
29 evidence to an investigative or law enforcement officer, if the
30 contents or evidence is evidence of a crime of violence or a

1 felony of the first degree.

2 * * *

3 (c) Otherwise authorized personnel.--Any person who, by any
4 means authorized by the laws of another state or the Federal
5 Government, has obtained knowledge of the contents of any wire,
6 electronic or oral communication, or evidence derived from any
7 wire, electronic or oral communication, may disclose the
8 contents or evidence to an investigative or law enforcement
9 officer and may disclose the contents or evidence where
10 otherwise admissible while giving testimony under oath or
11 affirmation in any proceeding in any court of this Commonwealth.

12 Section 8. Section 5721.1(a) of Title 18 is amended by
13 adding a paragraph to read:

14 § 5721.1. Evidentiary disclosure of contents of intercepted
15 communication or derivative evidence.

16 (a) Disclosure in evidence generally.--

17 * * *

18 (4) Notwithstanding any provisions of this subchapter,
19 any law enforcement or investigative officer who has obtained
20 knowledge of the contents of any wire, electronic or oral
21 communication, or evidence derived from any wire, electronic
22 or oral communication, may disclose the contents or evidence
23 in any matter related to any criminal, quasi-criminal,
24 forfeiture, administrative enforcement or professional
25 disciplinary proceedings as follows:

26 (i) In any court, board or agency of this
27 Commonwealth, another state or the United States.

28 (ii) Before any Federal or state grand jury or
29 investigating grand jury on the condition that the
30 knowledge was obtained from a person not acting at the

direction or with the knowledge and consent of law
enforcement.

* * *

Section 9. Section 5743(a) and (b) of Title 18 are amended
to read:

§ 5743. Requirements for governmental access.

(a) Contents of [electronic] communications in electronic
storage.--Investigative or law enforcement officers may require
the disclosure by a provider of [electronic] communication
service of the contents of [an electronic] a communication which
is in electronic storage in [an electronic] a communication
system for:

(1) One hundred eighty days or less only pursuant to a
warrant issued under the Pennsylvania Rules of Criminal
Procedure.

(2) More than 180 days by the means available under
subsection (b).

(b) Contents of [electronic] communications in a remote
computing service.--

(1) Investigative or law enforcement officers may
require a provider of remote computing service to disclose
the contents of any [electronic] communication to which this
paragraph is made applicable by paragraph (2):

(i) without required notice to the subscriber or
customer if the investigative or law enforcement officer
obtains a warrant issued under the Pennsylvania Rules of
Criminal Procedure; or

(ii) with prior notice from the investigative or law
enforcement officer to the subscriber or customer if the
investigative or law enforcement officer:

1 (A) uses an administrative subpoena authorized
2 by a statute or a grand jury subpoena; or

3 (B) obtains a court order for the disclosure
4 under subsection (d);
5 except that delayed notice may be given pursuant to section
6 5745 (relating to delayed notice).

7 (2) Paragraph (1) is applicable with respect to [an
8 electronic] a communication which is held or maintained on
9 that service:

10 (i) On behalf of and received by means of electronic
11 transmission from, or created by means of computer
12 processing of communications received by means of
13 electronic transmission from, a subscriber or customer of
14 the remote computing service.

15 (ii) Solely for the purpose of providing storage or
16 computer processing services to the subscriber or
17 customer, if the provider is not authorized to access the
18 contents of any such communication for the purpose of
19 providing any services other than storage or computer
20 processing.

21 * * *

22 Section 10. Section 5746 of Title 18 is amended by adding a
23 subsection to read:

24 § 5746. Cost reimbursement.

25 * * *

26 (d) Regulations.--The Attorney General shall promulgate
27 regulations to implement this section.

28 Section 11. Sections 5761(b) and (c)(4), 5772(a) and 5773(a)
29 and (c) of Title 18 are amended to read:

30 § 5761. Mobile tracking devices.

1 * * *

2 (b) Jurisdiction.--Orders permitted by this section may
3 authorize the use of mobile tracking devices [within the
4 jurisdiction of the court of common pleas, and outside that
5 jurisdiction,] if the device is installed and monitored within
6 [the jurisdiction of the court of common pleas.] this
7 Commonwealth. The court issuing the order must have jurisdiction
8 over the offense under investigation.

9 (c) Standard for issuance of order.--An order authorizing
10 the use of one or more mobile tracking devices may be issued to
11 an investigative or law enforcement officer by the court of
12 common pleas upon written application. Each application shall be
13 by written affidavit, signed and sworn to or affirmed before the
14 court of common pleas. The affidavit shall:

15 * * *

16 (4) provide a statement setting forth all facts and
17 circumstances which provide the applicant with [a reasonable
18 suspicion] probable cause that criminal activity has been, is
19 or will be in progress and that the use of a mobile tracking
20 device will yield information relevant to the investigation
21 of the criminal activity.

22 § 5772. Application for an order for use of certain devices.

23 (a) Application.--The Attorney General or a deputy attorney
24 general designated in writing by the Attorney General or a
25 district attorney or an assistant district attorney designated
26 in writing by the district attorney may make application for an
27 order or an extension of an order under section 5773 (relating
28 to issuance of an order for use of certain devices) authorizing
29 or approving disclosure of mobile communications tracking
30 information or, if necessary, the production and disclosure of

1 mobile communications tracking information, the installation and
2 use of a pen register, a trap and trace device or a
3 telecommunication identification interception device under this
4 subchapter, in writing, under oath or equivalent affirmation, to
5 a court of common pleas having jurisdiction over the offense
6 under investigation or to any Superior Court judge when an
7 application for an order authorizing interception of [wire or
8 electronic] communications is or has been made for the targeted
9 telephone or another application for interception under this
10 subchapter has been made involving the same investigation.

11 * * *

12 § 5773. Issuance of an order for use of certain devices.

13 (a) In general.--Upon an application made under section 5772
14 (relating to application for an order for use of certain
15 devices), the court shall enter an ex parte order authorizing
16 the disclosure of mobile communications tracking information,
17 the installation and use of a pen register, a trap and trace
18 device or a telecommunication identification interception device
19 within [the jurisdiction of the court if the court] this
20 Commonwealth if the court finds that there is probable cause to
21 believe that information relevant to an ongoing criminal
22 investigation will be obtained by such installation and use on
23 the targeted telephone. If exigent circumstances exist, the
24 court may verbally authorize the disclosure of mobile
25 communications tracking information, the installation and use of
26 a pen register, a trap and trace device or a telecommunication
27 identification interception device. The written order
28 authorizing the disclosure must be entered within 72 hours of
29 the court's verbal authorization.

30 * * *

(c) Time period and extensions.--

(1) An order issued under this section shall authorize the installation and use of a pen register, trap and trace device or a telecommunication identification interception device for a period not to exceed [30] 60 days.

(2) Extensions of such an order may be granted but only upon an application for an order under section 5772 and upon the judicial finding required by subsection (a). The period of each extension shall be for a period not to exceed 30 days.

* * *

Section 12. This act shall take effect in 60 days.