
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 764 Session of
2015

INTRODUCED BY McILHINNEY, BREWSTER, ALLOWAY, BROOKS, RAFFERTY,
WILEY, WOZNIAK, MENSCH, BOSCOLA, ARGALL, VULAKOVICH, LEACH,
TOMLINSON AND HAYWOOD, MAY 1, 2015

REFERRED TO JUDICIARY, MAY 1, 2015

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in wiretapping and electronic
3 surveillance, further providing for exceptions to prohibition
4 of interception and disclosure of communications.

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

7 Section 1. Section 5704(16) 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 (16) A law enforcement officer, whether or not certified
15 under section 5724 (relating to training), acting in the
16 performance of his official duties to intercept and record an
17 oral communication between individuals in accordance with the
18 following:

1 [(i) At the time of the interception, the oral
2 communication does not occur inside the residence of any
3 of the individuals.

4 (ii)] (i) At the time of the interception, the law
5 enforcement officer:

6 (A) is in uniform or otherwise clearly
7 identifiable as a law enforcement officer;

8 (B) is in close proximity to the individuals'
9 oral communication; and

10 (C) is using an electronic, mechanical or other
11 device which has been approved under section 5706(b)

12 (4) (relating to exceptions to prohibitions in
13 possession, sale, distribution, manufacture or
14 advertisement of electronic, mechanical or other
15 devices) to intercept the oral communication[; and

16 (D) informs, as soon as reasonably practicable,
17 the individuals identifiably present that he has
18 intercepted and recorded the oral communication].

19 [(iii)] (ii) As used in this paragraph, the term
20 "law enforcement officer" means a member of the
21 Pennsylvania State Police or an individual employed as a
22 police officer who holds a current certificate under 53
23 Pa.C.S. Ch. 21 Subch. D (relating to municipal police
24 education and training).

25 (iii) Evidentiary disclosure of the contents of any
26 wire, electronic or oral communication secured in
27 violation of this subsection shall be subject to the
28 provisions of section 5721.1 (relating to evidentiary
29 disclosure of contents of intercepted communication or
30 derivative evidence).

1 * * *

2 Section 2. This act shall take effect in 60 days.