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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 260 Session of  
2023

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INTRODUCED BY ROBINSON, SCHWANK, MARTIN, STEFANO, DUSH, J. WARD,  
LAUGHLIN, COSTA, REGAN AND ARGALL, JANUARY 31, 2023

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REFERRED TO LAW AND JUSTICE, JANUARY 31, 2023

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 61 (Prisons and  
2 Parole) of the Pennsylvania Consolidated Statutes, in  
3 wiretapping and electronic surveillance, further providing  
4 for definitions; and, in Pennsylvania Board of Probation and  
5 Parole, providing for exception to prohibition of  
6 interception and disclosure of communications.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. The definition of "oral communication" in section  
10 5702 of Title 18 of the Pennsylvania Consolidated Statutes is  
11 amended to read:

12 § 5702. Definitions.

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

16 \* \* \*

17 "Oral communication." Any oral communication uttered by a  
18 person possessing an expectation that such communication is not  
19 subject to interception under circumstances justifying such  
20 expectation. The term does not include the following:

1 (1) An electronic communication.

2 (2) A communication made in the presence of a law  
3 enforcement officer on official duty who is in uniform or  
4 otherwise clearly identifiable as a law enforcement officer  
5 and who is using an electronic, mechanical or other device  
6 which has been approved under section 5706(b)(4) (relating to  
7 exceptions to prohibitions in possession, sale, distribution,  
8 manufacture or advertisement of electronic, mechanical or  
9 other devices) to intercept the communication in the course  
10 of law enforcement duties. As used in this paragraph only,  
11 "law enforcement officer" means a member of the Pennsylvania  
12 State Police, an individual employed as a police officer who  
13 holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D  
14 (relating to municipal police education and training), a  
15 sheriff or a deputy sheriff.

16 (3) A communication made in the presence of an agent  
17 under 61 Pa.C.S. § 6183 (relating to exception to prohibition  
18 of interception and disclosure of communications) who is on  
19 official duty and who is using an electronic, mechanical or  
20 other device that has been approved under section 5706(b)(4)  
21 and who has received training on such a device in a course  
22 approved by the Pennsylvania State Police to intercept a  
23 wire, electronic or oral communication.

24 \* \* \*

25 Section 2. Title 61 is amended by adding a section to read:  
26 § 6183. Exception to prohibition of interception and disclosure  
27 of communications.

28 An agent who has received training on the use of an  
29 electronic, mechanical or other device that has been approved  
30 under 18 Pa.C.S. § 5706(b)(4) (relating to exceptions to

1 prohibitions in possession, sale, distribution, manufacture or  
2 advertisement of electronic, mechanical or other devices) in a  
3 course approved by the Pennsylvania State Police shall be an  
4 investigative or law enforcement officer as defined under 18  
5 Pa.C.S. § 5702 (relating to definitions). The agent may wear an  
6 electronic, mechanical or other device in the performance of  
7 official duties.

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