

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2344 Session of 2022

INTRODUCED BY STEPHENS, BONNER, DeLUCA, ZIMMERMAN, OWLETT, MOUL, HEFFLEY AND GILLEN, FEBRUARY 11, 2022

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 24, 2022

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

1 expectation. The term does not include the following:

2 (1) An electronic communication.

3 (2) A communication made in the presence of a law
4 enforcement officer on official duty who is in uniform or
5 otherwise clearly identifiable as a law enforcement officer
6 and who is using an electronic, mechanical or other device
7 which has been approved under section 5706(b)(4) (relating to
8 exceptions to prohibitions in possession, sale, distribution,
9 manufacture or advertisement of electronic, mechanical or
10 other devices) to intercept the communication in the course
11 of law enforcement duties. As used in this paragraph only,
12 "law enforcement officer" means a member of the Pennsylvania
13 State Police, an individual employed as a police officer who
14 holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D
15 (relating to municipal police education and training), a
16 sheriff or a deputy sheriff[.] or an agent under 61 Pa.C.S. §
17 6183 (relating to exception to prohibition of interception
18 and disclosure of communications).

19 * * *

20 Section 2. Title 61 is amended by adding a section to read:

21 § 6183. Exception to prohibition of interception and disclosure
22 of communications.

23 An agent who has received training on the use of an
24 electronic, mechanical or other device that has been approved
25 under 18 Pa.C.S. § 5706(b)(4) (relating to exceptions to
26 prohibitions in possession, sale, distribution, manufacture or
27 advertisement of electronic, mechanical or other devices) in a
28 course approved by the Pennsylvania State Police shall be an <--
29 investigative or law enforcement officer as defined under 18
30 Pa.C.S. § 5702 (relating to definitions). The agent may wear an

1 electronic, mechanical or other device in the performance of
2 official duties.

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