
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1168 Session of
2013

INTRODUCED BY GREENLEAF, FONTANA, VULAKOVICH, PILEGGI, COSTA AND
WILEY, NOVEMBER 12, 2013

REFERRED TO JUDICIARY, NOVEMBER 12, 2013

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:

19 (i) At the time of the interception, the oral

1 communication does not occur inside the residence of any
2 of the individuals.

3 (ii) At the time of the interception, the law
4 enforcement officer:

5 (A) is operating the visual or audible warning
6 system of the law enforcement officer's vehicle
7 authorized by 75 Pa.C.S. § 4571 (relating to visual
8 and audible signals on emergency vehicles) or is
9 clearly identifiable as a law enforcement officer;

10 (B) is in close proximity to the individuals'
11 oral communication;

12 (C) is using an electronic, mechanical or other
13 device which has been approved under section 5706(b)
14 (4) (relating to exceptions to prohibitions in
15 possession, sale, distribution, manufacture or
16 advertisement of electronic, mechanical or other
17 devices) to intercept the oral communication[, the
18 recorder of which is mounted in the law enforcement
19 officer's vehicle]; and

20 (D) informs, as soon as reasonably practicable,
21 the individuals identifiably present that he has
22 intercepted and recorded the oral communication.

23 (iii) As used in this paragraph, [the following
24 words and phrases shall have the meanings given to them
25 in this subparagraph:

26 "Law enforcement officer." A] the term "law
27 enforcement officer" means a member of the Pennsylvania
28 State Police or an individual employed as a police
29 officer who holds a current certificate under 53 Pa.C.S.
30 Ch. 21 Subch. D (relating to municipal police education

1 and training).

2 ["Recorder." An electronic, mechanical or other
3 device used to store an oral communication on tape or on
4 some other comparable medium.]

5 * * *

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