

No. 2014-9

AN ACT

SB 57

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

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

Section 1. Section 5704(16) of Title 18 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a paragraph to read:

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

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

* * *

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

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

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

(A) is **operating the visual or audible warning system of the law enforcement officer's vehicle authorized by 75 Pa.C.S. § 4571 (relating to visual and audible signals on emergency vehicles) or is clearly identifiable as a law enforcement officer] in uniform or otherwise clearly identifiable as a law enforcement officer;**

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

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

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

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

"Law enforcement officer." A] the term "law enforcement officer" means a member of the Pennsylvania State Police or an

individual employed as a police officer who holds a current certificate under 53 Pa.C.S. Ch. 21 Subch. D (relating to municipal police education and training).

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

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(18) A person to intercept oral communications for disciplinary or security purposes on a school bus or school vehicle, as those terms are defined in 75 Pa.C.S. § 102 (relating to definitions), if all of the following conditions are met:

(i) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.

(ii) Each school year, the school board notifies students and their parents or guardians of the policy, by letter mailed to the students' home addresses.

(iii) The school board posts a notice that students may be audiotaped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.

This paragraph shall not apply when a school bus or school vehicle is used for a purpose that is not school related.

Section 2. This act shall take effect as follows:

(1) The amendment of 18 Pa.C.S. § 5704(16) shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 4th day of February, A.D. 2014

TOM CORBETT