
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 454 Session of
2017

INTRODUCED BY BREWSTER, BLAKE, ALLOWAY, COSTA, RESCHENTHALER,
HUGHES, RAFFERTY, BOSCOLA, VULAKOVICH AND WILLIAMS,
FEBRUARY 28, 2017

REFERRED TO JUDICIARY, FEBRUARY 28, 2017

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) (i) of Title 18 of the
8 Pennsylvania 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.] occurs when the law enforcement
4 officer:

5 (A) enters a residence or other structure based
6 on a reasonable belief that a criminal offense is
7 being committed in the residence or other structure;

8 (B) enters a residence or other structure under
9 exigent circumstances in the pursuit of an offender
10 based on a reasonable belief that a criminal offense
11 is being committed; or

12 (C) notifies the occupants of a residence or
13 other structure of the existence and operation of an
14 audio-visual device and the occupants consent to the
15 use of the audio-visual device upon entry by the law
16 enforcement officer into the residence or other
17 structure.

18 * * *

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