

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 1168

Printer's No.: 1546

Sponsor: Senator Greenleaf

Prepared by: Gregg Warner

Synopsis: This bill amends section 5704 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to expand the exception in the Wiretapping and Electronic Surveillance Control Act for recording devices mounted in a law enforcement officer's vehicle to include mobile devices carried or worn by the officer.

Summary: Section 5704 of the Crimes Code is part of the Wiretapping and Electronic Surveillance Act. The section provides exceptions to the general prohibition against intercepting and disclosing oral communications. Exception (16) is for a recording device which is mounted in a law enforcement officer's vehicle. Because these devices are now mobile, section 5704 is amended to authorize the use of the new technology.

The phrase limiting the devices to a recorder which is mounted in the law enforcement officer's vehicle is repealed. The definition of "recorder" is repealed because the term only appears in that phrase.

Effective date

This act takes effect in 60 days.

Background: 2002 Act 52 amended the Wiretapping and Electronic Surveillance Control Act (18 Pa.C.S. Ch. 57) to provide an exception to the general prohibition against intercepting and disclosing an oral communication. The exception is for a recorder which is mounted in a law enforcement officer's vehicle. Recording traffic stops or other situations in which an officer in a vehicle responds to an incident provides protection to both the officer and the individual involved in case there is later a dispute about how the stop or incident was handled.

Senate Bill 1168 amends the Wiretapping and Electronic Surveillance Control Act to remove the limitation that the device must be mounted in the law enforcement officer's vehicle. These recording devices are now mobile and available to law enforcement officers even if the officer is on a motorcycle, a horse or a bicycle as examples, or is on foot. The same reasoning applies. When there is an interaction between a law enforcement officer and an individual, the recording device protects both the officer and the individual.

The restrictions in current law still apply. At the time of the interception, the oral communication may not occur inside the residence of the individual. The officer must be clearly identifiable as a law enforcement officer. The officer must be in close proximity to the individual's communication. As soon as reasonably practicable, the officer must inform the individual that he has intercepted and recorded the oral communication.

As with the recording devices mounted in a law enforcement officer's vehicle, any of these recording devices must be approved by the State Police.