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COMMITTEES

JUDICIARY, CHAIRMAN

House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

A PUBLIC HEARING ON HB 2649 BY THE
HOUSE JUDICIARY COMMITTEE

Wednesday, May 28, 1992
140 Main Capitol
10:00 AM

Introduction by The Honorable Thomas R. Caltagirone, Chairman
House Judiciary Committee

Remarks by The Honorable Frank Dermody
Prime Sponsor of HB 2649

Larry Reid, Executive Deputy Commissioner
Pennsylvania Department of Corrections

George Wilkinson, Northeast Regional Director
Federal Bureau of Prisons

Lois Williamson, Executive Director
CURE of Pennsylvania
(Citizens United for the Rehabilitation of Errants)

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2649 Session of
1992

INTRODUCED BY DERMODY, PESCI, PETRONE, SALOOM, SERAFINI, TIGUE,
CLARK, COLAIZZO, KREBS, DeLUCA, M. N. WRIGHT, JOHNSON, COY,
STABACK, BATTISTO, KASUNIC, KOSINSKI, BELFANTI, COLAFELLA,
FAJT, MELIO, WOGAN, KAISER, TRELLO, OLASZ, TOMLINSON, HANNA,
BILLOW, TANGRETTI AND GERLACH, MAY 5, 1992

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 1992

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for exceptions to
3 the interception and disclosure of communications by inmates
4 of correctional institutions.

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

7 Section 1. Section 5704 of Title 18 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:
9 § 5704. Exceptions to prohibition of interception and
10 disclosure of communications:

11 It shall not be unlawful under this chapter for:

12 * * *

13 (13) Employees of the Department of Corrections to
14 intercept, record, monitor or divulge any telephone calls
15 from an inmate in a facility operated by or for the
16 department under the following conditions:

17 (i) All calls made by inmates shall be collect calls

1. only. The calls will be "operator announcement" type
2 calls. The operator shall notify the receiver of the call
3 that the call is coming from a correctional institution
4 and that it will be recorded and monitored. A repeated,
5 recorded message can be used to periodically announce to
6 the receiver that the call is originating from a
7 correctional facility.

8 (ii) The department will adhere to the following
9 procedures and restrictions when intercepting, recording,
10 monitoring or divulging any telephone calls from an
11 inmate in a facility operated by or for the department as
12 provided for by this paragraph:

13 (A) Before the implementation of this paragraph,
14 all inmates of the facility shall be notified in
15 writing that, as of the effective date of this
16 paragraph, their telephone conversations may be
17 intercepted, recorded, monitored or divulged.

18 (B) Unless otherwise provided for in this
19 paragraph, after intercepting or recording a
20 telephone conversation, only the superintendent or a
21 designee of the superintendent shall have access to
22 that recording.

23 (C) The contents of an intercepted and recorded
24 telephone conversation shall be divulged only as is
25 necessary to safeguard the orderly operation of the
26 facility, in response to a court order, or in the
27 prosecution or investigation of any crime.

28 (D) All telephone conversations that are
29 recorded according to this paragraph, unless being
30 used in the ongoing investigation or prosecution of a

1 crime or as necessary to assure the orderly operation
2 of the correctional facility, shall be destroyed one
3 year after the intercepting and recording.

4 (iii) So as to safeguard the attorney-client
5 privilege, the department shall not intercept, record,
6 monitor or divulge any conversation between an inmate and
7 an attorney unless there is reasonable suspicion to
8 believe that the attorney is involved in or assisting a
9 violation of institution rules or criminal activity.

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