

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 57

**Printer's No.:** 26

**Sponsor:** Senator Alloway

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends section 5704 of the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to provide an exception under the Wiretapping and Electronic Surveillance Control Act (18 Pa.C.S. Ch. 57) for the interception of oral communications on a school bus or a school vehicle.

**Summary:** Section 5704 lists exceptions to the prohibition against intercepting and disclosing oral communications. There are 17 exceptions where oral communications may be intercepted without prior court approval. This bill adds a new exception relating to school buses and school vehicles.

### **School bus exception**

If all of the following conditions are met, it shall not be unlawful and no prior court approval shall be required to intercept oral communications for disciplinary or security purposes on a school bus or a school vehicle as those terms are defined in the Vehicle Code (75 Pa.C.S. §102):

- (1) The school board has adopted a policy that authorizes audio interception on school buses or school vehicles for disciplinary or security purposes.
- (2) Each school year, the school board notifies students and their parents or guardians of the policy by letter mailed to the students' home addresses.
- (3) The school board posts a notice that students may be audio-taped, which notice is clearly visible on each school bus or school vehicle that is furnished with audio-recording equipment.

### **When exception not applicable**

The school bus exception shall not apply when a school bus or a school vehicle is used for a purpose that is not school-related.

### **Effective date**

This act takes effect immediately.

**Background:** According to the sponsor “Allowing school buses an exemption from the Pennsylvania wiretapping laws will be a measure towards a safer school bus environment. In this day and age where bullying is very prevalent in and out of school, having all the resources available to control behavior and resolve issues will help ensure a safe ride for all students. When schools and contractors have the use of audio in conjunction with the video discipline issues are resolved faster and with more certainty.”

### **Definitions**

Section 102 of the Vehicle Code, Title 75 of the Pennsylvania Consolidated Statutes, defines “school bus” and “school vehicle” as follows:

*“School bus.” A motor vehicle which:*

*(1) is designed to carry 11 passengers or more, including the driver; and*

*(2) is used for the transportation of preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities.*

*The term does not include a motor vehicle used to transport preprimary, primary or secondary school students to or from public, private or parochial schools or events related to such schools or school-related activities, which is designed to carry 11 to 15 passengers, including the driver, and which is registered in this Commonwealth as a bus prior to March 1, 1993, or a motor vehicle which is designed to carry 11 to 15 passengers, including the driver, and which was titled to any public, private or parochial school on or before March 1, 1993, and which is registered to that public, private or parochial school in this Commonwealth as a bus prior to September 15, 1993.*

*“School vehicle.” A motor vehicle, except a motorcycle, designed for carrying no more than ten passengers, including the driver, and used for the transportation of preprimary, primary or secondary school students while registered by or under contract to a school district or private or parochial school. The term includes vehicles having chartered, group and party rights under the Pennsylvania Public Utility Commission and used for the transportation of school children.*

### **Legislative history**

During the 2011-2012 session this legislation was introduced as Senate Bill 1117. On March 13, 2012 the Senate Judiciary Committee held a public hearing generally on the Wiretapping and Electronic Surveillance Control Act and the issue of audio-taping on school buses was specifically discussed. The testimony included discussion of Keppley v. Sch. Dist. 866 A.2d 1165 (Pa. Commw. Ct. 2005) a case that called into question the use of audio recording on school buses.

On April 30, 2013 the substance of Senate Bill 57 was offered as an amendment to another bill on the Senate Judiciary Committee’s agenda; the amendment was thoroughly discussed but withdrawn without a vote.