

No. 1981-73

AN ACT

HB 303

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for certain remedies against individuals violating provisions relating to electronic surveillance and for certain defenses.

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

Section 1. Section 5725 of Title 18, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended by adding a subsection to read:

§ 5725. Civil action for unlawful interception, disclosure or use of wire or oral communication.

* * *

(c) Defense.—It is a defense to an action brought pursuant to subsection (a) that the actor acted in good faith reliance on a court order or the provisions of this chapter.

Section 2. Section 5726 of Title 18 is amended to read:

§ 5726. Action for removal from office or employment.

(a) Cause of action.—Any aggrieved person shall have the right to bring an action in Commonwealth Court against any investigative or law enforcement officer, public official or public employee seeking the officer's, official's or employee's removal from office or employment on the grounds that the officer, official or employee has [willfully] intentionally violated the provisions of this chapter. If the court shall conclude that such officer, official or employee has in fact [willfully] intentionally violated the provisions of this chapter, the court shall order the dismissal or removal from office of said officer, official or employee [and the forfeiture of said officer, official or employee's pension benefit entitlements, if any].

(b) Defense.—It is a defense to an action brought pursuant to subsection (a) that the actor acted in good faith reliance on a court order or the provisions of this chapter.

Section 3. This act shall take effect in 60 days.

APPROVED—The 10th day of July, A. D. 1981.

DICK THORNBURGH