



## MEMORANDUM

**TO:** The Pennsylvania House Judiciary Committee

**FROM:** Elizabeth Randol, Legislative Director, ACLU of Pennsylvania

**DATE:** June 8, 2026

**RE: OPPOSITION TO HB 2299 P.N. 3019 (BIZZARRO)**

**Bill summary:** [HB 2299](#) (PN 3019) would amend the Wiretap Act to add county probation officers to the definition of “law enforcement officer.” This would exempt county probation officers from restrictions on recording oral communications, allowing probation officers to wear body cameras, including when meeting with children as young as 10 years old.

**On behalf of over 100,000 members and supporters of the ACLU of Pennsylvania, I respectfully urge you to oppose House Bill 2299.**

The use of body-worn cameras by community supervision agents (probation or parole) is almost non-existent in the rest of the country. The supervisory relationship between probation officers and their adult or juvenile clients are, by definition, interpersonal, and more often than not, occur in private settings—treatment centers, home visits, and work visits. As such, the use of body cameras in those settings not only raises significant privacy concerns when recording confidential or personal health conversations, but it has very serious implications for third parties who may be recorded, but ***who retain an expectation of privacy and protection against unlawful searches because they are not under supervision.***

### **HB 2299 would allow probation officers to record supervision visits with children.**

HB 2299 would allow county probation officers, as defined under [42 Pa.C.S. § 9911](#), to wear body cameras. §9911 references the definition of “probation officer” under [42 Pa.C.S. §6304](#), which outlines the powers and duties of probation officers who supervise children. In Pennsylvania, the law pertaining to children is governed by the [Juvenile Act](#), not the Crimes Code. This is why children are adjudicated delinquent in PA rather than found guilty when they have committed a crime. Pennsylvania permits children as young as 10 years old to be supervised by a probation officer. We strenuously question whether the safety to officers and/or the public is best served by allowing probation officers to record supervision visits with children.

### **Permitting probation officers to intercept audio and visual communications is dangerously broad and permissive, threatening the privacy rights of adult/juvenile clients as well as third parties.**

HB 2299 would allow **any** probation officer to record **anyone**, at any time, as long as they are on duty, identifiable as an officer, wearing an approved device, and received training on that device. Unlike police officers, most of the interactions probation officers have with clients are (a) with clients and (b) in settings that are not public. They supervise adults **and children**, and in that role, they routinely enter people’s homes. If probation officers enter a home wearing a body camera, then the person under supervision AND any other third person residing in or even visiting the home would be subject to video and audio surveillance every time a probation officer enters. In other words, this would include recording those not under supervision—children or other family members, a partner, roommate, friend, co-workers when officers visit a client at their place of employment—and capturing footage of their property or other belongings.

People under probation supervision (unlike people on parole) still retain a presumption of privacy. Additionally, they do not live in a vacuum—they live with family members, friends, or partners and work with colleagues. HB 2299 would ignore those inconveniences, and instead would (1) not only permit audio and video recordings of anyone in the vicinity of an officer engaged in conversation with a client, in places where those people retain an expectation of privacy, *but (2), even worse, would broadly permit intercepting any communication made in the presence of an officer.*

### **HB 2299 fails to limit how body camera footage can be shared, specifically with outside law enforcement agencies.**

Interactions between probation officers and clients are vastly different from interactions between police officers and the public. Communication about supervision often includes confidential or personal information pertaining to issues such as medical treatment, custody and visitation of minor children, relationships with family members or partners, and the like. As a result, it is absolutely critical that footage captured by probation officers not be freely shared with other law enforcement agencies, particularly when such footage could implicate a third party. Unfettered sharing of probation officers' body camera interceptions with law enforcement—from local police to ICE—invites serious Fourth Amendment concerns.

### **HB 2299 fails to provide any standardized practices or procedures for probation officers using body cameras.**

Unlike state parole agents, county probation officers are not uniformly supervised by a state agency. Without any clear direction about when to use body cameras, when or whether to record in private areas, which conversations are subject to recording, and the like, HB 2299 would leave those decisions to each county probation department. This would result in 67 different standards for when and how body cameras should be used by probation officers.

The ACLU-PA had similar [objections to HB 1278](#) last session, which was enacted to permit state parole agents to use body cameras. Not only does HB 2299 invite the same critiques, it compounds them in three important ways:

1. Unlike state parole agents, county probation officers are permitted to supervise children as young as 10 years old and would require compliance with the Juvenile Act, not just the Crimes Code;
2. Unlike adults under state parole supervision, adults and children under county probation supervision do retain an expectation of privacy, further compounding the privacy and Fourth Amendment concerns raised by HB 1278; and
3. Unlike state parole agents, county probation officers are not supervised by a state agency, therefore making it difficult, if not impossible, to standardize body camera practices and procedures.

**For these reasons, we urge you to oppose House Bill 2299.**