

GREEN SHEET REDIGEST

HB 254

2016 Regular Session

Havard

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**CRIMINAL/PROCEDURE: Provides with respect to certain electronic tracking devices**

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DIGEST

Proposed law creates the crime of unlawful use of a cellular tracking device. Provides exceptions for law enforcement and investigative officers, telecommunications employees, providers of devices consented to by the consumer, good faith actors on behalf of a business entity, mobile applications consented to by the consumer, law enforcement training exercises, FCC employees in the performance of their duties, persons tracking cellular phones that are part of their own service plan, and person or providers tracking lost or stolen cellular phones.

Proposed law provides penalties of a fine of not more than \$3,000, imprisonment with or without hard labor for not more than two years, or both.

Present law provides procedures for law enforcement and investigative officers to obtain warrants from the court to use a trap and trace device or pen register (wire tapping equipment).

Proposed law retains present law and adds similar provisions for the use of cellular tracking devices.

(Amends R.S. 15:1302(2) and 1316(C) and (D); adds R.S. 14:222.3 and R.S. 15:1302(3.1) and (16.1), 1316(E), 1317, and 1318)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Changes the definition of "cellular tracking device".
2. Adds an exception for technology which has been consented to by the consumer including mobile applications.
3. Adds an exception for a good faith actor on behalf of a business entity for a legitimate business purpose.
4. Adds an exception for use of devices by law enforcement agencies for certain purposes.
5. Adds federal law enforcement officers to the definition of an "investigative or law enforcement officer" for purposes of proposed law.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Add exceptions for persons tracking cellular phones that are part of their own plan and person and providers tracking lost or stolen cellular phones.