

HOUSE SUMMARY OF SENATE AMENDMENTS**HB 254****2016 Regular Session****Havard**

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

Synopsis of Senate Amendments

1. Adds that both the possession and use of the cellular tracking device is illegal pursuant to proposed law.
2. Adds exceptions for persons tracking cellular phones that are part of their own plan and providers for the tracking of lost or stolen cellular phones.
3. Adds that a person may disclose the existence of the cellular tracking device to his own counsel.

Digest of Bill as Finally Passed by Senate

Proposed law creates the crime of unlawful possession or 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)