
DIGEST

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HB 254 Engrossed

2016 Regular Session

Havard

Abstract: Prohibits the use of a cellular tracking device by anyone except a law enforcement or investigative officer, telecommunication employee, or an FCC employee, and provides procedures for law enforcement to obtain a court order to utilize cellular tracking devices.

Proposed law creates the crime of unlawful use of a cellular tracking device. A cellular tracking device mimics a cell tower providing cell phone services and downloads or copies the personal information of cell phone users. Makes exceptions for law enforcement and investigative officers, telecommunications employees, and FCC employees in the performance of their duties.

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