

RÉSUMÉ DIGEST

ACT 308 (HB 254)

2016 Regular Session

Havard

New law creates the crime of unlawful possession or use of a cellular tracking device which prohibits its use or possession of a device for the purpose of collecting, intercepting, accessing, transferring, or forwarding data without the consent of a party to the communication and by intentionally deceptive means. Provides exceptions including but not limited to certain 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 persons or providers tracking lost or stolen cellular phones.

New 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.

Existing 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).

New law adds similar provisions for the use of cellular tracking devices.

Effective August 1, 2016.

(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)