

6136-S

Sponsor(s): Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Roach)

Brief Description: Authorizing use of electronic tracking devices for law enforcement purposes.

SB 6136-S.E - DIGEST

(AS OF SENATE 2ND READING 2/17/04)

Provides that the courts having concluded that citizens have a reasonable expectation under Article I, section 7 of the Washington state Constitution that their vehicles will not be remotely tracked without authority of law, the legislature adopts this law to specifically authorize law enforcement's use of tracking equipment in or on vehicles or other objects.

Declares an intent that this law is to be governed by and interpreted in light of all general principles and doctrines of search law, including exceptions to the warrant requirement, as now or hereafter applicable in this state.

Requires that a warrant issued under this act must be supported by an affidavit, a document as provided in RCW 9A.72.085, or sworn testimony establishing the grounds for issuing the warrant.

Provides that, if the court finds that probable cause for the issuance of a warrant under this act exists, it shall issue a warrant or direct an individual whom it authorizes for such purpose to affix the court's signature to a warrant authorizing any peace officer to conduct the authorized search.

Declares that a search warrant authorized by chapter 10.79 RCW may be issued by the court upon request of a peace officer or a prosecuting attorney.

Authorizes a peace officer, in the case of warrants for tracking equipment, to install the equipment into or onto the object to be tracked; to maintain, service, and monitor the equipment; and upon conclusion of warrant authority to remove the equipment and report the results of use of the equipment to the magistrate who issued the warrant, or to some other magistrate or court having cognizance of the case. This report supersedes and replaces any reporting requirement under CrR 2.3(d) and CrRLJ 2.3(d) as currently written or hereafter amended.