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**SB 5632** - H AMD TO PS COMM AMD (H-2525.1/17) **434**

By Representative Taylor

**NOT ADOPTED 04/11/2017**

On page 2, line 17 of the striking amendment, after "decision." insert the following:

"(6)(a) In any investigation of or arrest for a suspected violation of this section, a law enforcement agency or other governmental entity may not access or search an electronic communication device without a valid search warrant issued by a court of competent jurisdiction, unless: (i) the law enforcement agency or governmental entity obtains the informed consent of the owner of the electronic communication device; or (ii) the owner voluntarily abandoned the electronic communication device.

(b) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(i) "Electronic communication device" means a device that enables access to or use of an electronic communication service or remote computing service.

(ii) "Electronic communication service" means a service that provides users the ability to send or receive wire or electronic communications.

(iii) "Owner" means the individual or person having the legal title, claim, or right to an electronic communication device.

(iv) "Remote computing service" means computer storage or processing services provided by means of an electronic communication service."

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|  | EFFECT: Prohibits a law enforcement agency or other governmental entity from accessing or searching an electronic communication device relating to the investigation of or arrest for Organized Retail Theft unless a valid warrant is obtained, the owner of the device consents, or the owner voluntarily abandons the device. Provides definitions for "electronic communication device," "electronic communication service," "owner," and "remote computing service." |

**--- END ---**