

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

By Representative Taylor

NOT ADOPTED 04/11/2017

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

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

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

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

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

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

21 (iv) "Remote computing service" means computer storage or
22 processing services provided by means of an electronic communication
23 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."

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