

1 HB81
2 135604-1
3 By Representative England
4 RFD: Public Safety and Homeland Security
5 First Read: 07-FEB-12
6 PFD: 01/23/2012

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8 SYNOPSIS: This bill would provide that any procedures
9 adopted regarding access to stored wire and
10 electronic communications and transactional
11 location records and the installation or use of pen
12 registers or trap and trace devices should be
13 coextensive with the provisions of federal law
14 regarding the same devices.

15 This bill would provide procedures for
16 installing or using emergency pen registers,
17 transactional location records, and trap and trace
18 devices and would provide guidelines for the use of
19 the devices when an emergency is declared relating
20 to a missing persons report.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 Relating to stored wire and electronic
27 communications, transactional location records, pen registers,

1 and trap and trace devices; to provide for the following of
2 federal law regarding these devices; and to provide for the
3 installation and use of these devices in emergency situations,
4 including an emergency declared as to a missing persons
5 report.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. (a) The definitions, prohibitions,
8 authorizations, and procedures regarding access to stored wire
9 and electronic communications and transactional records and
10 the installation or use of pen registers or trap and trace
11 devices shall be adopted and coextensive with the provisions
12 of the federal law defined at Chapters 121 and 206 of Title
13 18, United States Code, Sections 2707-2712 and 3121-3127, and
14 as those provisions may hereafter be amended.

15 (b) Emergency pen registers and trap and trace
16 devices may be installed pursuant to the provisions of the
17 federal law defined in Title 18, United States Code, Section
18 3125, as it may hereafter be amended, provided the
19 investigative or law enforcement officer declaring the
20 emergency has been specially authorized and designated in
21 writing by the Attorney General, district attorney, or city
22 attorney, if authorized to prosecute felony offenses, with
23 prosecuting jurisdiction over the offense, investigation,
24 defendant, or provider of wire or electronic communications
25 service whose assistance is required.

26 (c) An emergency declared or order issued under the
27 combined authority of the provisions of federal law defined at

1 Chapters 121 and 206 of Title 18, United States Code, Sections
2 2701-2712 and 3121-3127, may authorize disclosure of
3 call-identifying addressing, routing, or signaling information
4 that may disclose the physical location of the subscriber,
5 customer, or user of a wire or electronic communications
6 service.

7 (d) An emergency may be declared in those situations
8 involving the disappearance of an individual, the report of a
9 run away child, or report of a missing person for which no
10 criminal charge may be readily apparent but where the
11 individual may be in danger based on, but not limited to, the
12 age, physical condition, or circumstances surrounding the
13 disappearance of the individual. The situation will authorize
14 the installation of pen registers and trap and trace devices
15 and disclosure of call-identifying addressing, routing, or
16 signaling information that may disclose the physical location
17 of the subscriber, customer, or user of a wire or electronic
18 communications service.

19 (e) Orders or search warrants, or both, issued
20 pursuant to this section are expressly allowed to be
21 prospective in nature. Further, an inventory of the
22 information obtained pursuant to an order or search warrant
23 issued pursuant to this section related to electronic storage
24 media or the seizure or copying of electronically stored
25 information may be limited to describing the physical storage
26 media that was seized or copied. Within 10 days after the
27 expiration of the order or search warrant issued pursuant to

1 this section, law enforcement must return the order or search
2 warrant to the judge designated in the order or search
3 warrant, and, if unavailable, to another judge with
4 jurisdiction.

5 Section 2. This act shall become effective on the
6 first day of the third month following its passage and
7 approval by the Governor, or its otherwise becoming law.