

Date: (Filing No. S- )

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STATE OF MAINE
SENATE
126TH LEGISLATURE
FIRST REGULAR SESSION

SENATE AMENDMENT " " to COMMITTEE AMENDMENT "A" to S.P. 157, L.D. 415, Bill, "An Act To Require a Warrant To Obtain the Location Information of a Cell Phone or Other Electronic Device"

Amend the amendment by striking out all of the first to 7th paragraphs (page 1, lines 12 to 29 in amendment) and inserting the following:

'Amend the bill in section 1 by striking out all of §643 (page 2, lines 15 to 39 and page 3, lines 1 to 11 in L.D.) and inserting the following:

§643. Notice

Notice must be given to the owner or user of an electronic device whose location information was obtained by a government entity. The government entity's notification obligation applies only if the government entity is able to identify the owner or user.

1. Timing and content of notice. Unless the court determines under subsection 2 that no notice is required, the government entity shall provide notice to the owner or user that location information was obtained by the government entity from that owner's or user's electronic device within 3 days of obtaining the location information. The notice must be made by service or delivered by registered or first-class mail, e-mail or any other means reasonably calculated to be effective as specified by the court issuing the warrant. The notice must contain the following information:

- A. The nature of the law enforcement inquiry, with reasonable specificity;
B. The location information of the owner or user that was supplied to or requested by the government entity and the date on which it was provided or requested; and
C. If location information was obtained from a provider of electronic communication service or location information service or other 3rd party, the identity of the provider of electronic communication service or location information service or the 3rd party from whom the information was obtained.

2. Notification not required. A government entity acting under section 642 may include in the application for a warrant a request for an order to waive the notification required under this section. The court may issue the order if the court determines that there is reason to believe that notification will have an adverse result.

1 **3. Preclusion of notice to owner or user subject to warrant for location**  
2 **information.** A government entity acting under section 642 may include in its  
3 application for a warrant a request for an order directing a provider of electronic  
4 communication service or location information service to which a warrant is directed not  
5 to notify any other person of the existence of the warrant. The court may issue the order  
6 if the court determines that there is reason to believe that notification of the existence of  
7 the warrant will have an adverse result.'

8 Amend the bill in section 1 in §644 in subsection 4 in the blocked paragraph in the  
9 first line (page 3, line 29 in L.D.) by striking out the following: "No later than 48 hours"  
10 and inserting the following: "Within a reasonable period of time"

11 Amend the amendment on page 2 by striking out all of the 3rd paragraph (page 2, line  
12 5 in amendment)

13 Amend the amendment by striking out all of section 2.

14 **SUMMARY**

15 This amendment replaces the language regarding notice to more closely track the  
16 language governing notice contained in Legislative Document 1377, "An Act To Protect  
17 Cellular Telephone Privacy." In addition, this amendment specifies that a government  
18 entity must file a statement with the court within a reasonable period of time rather than  
19 48 hours after seeking disclosure.

20 **FISCAL NOTE REQUIRED**

21 (See attached)

22 SPONSORED BY: \_\_\_\_\_

23 (Senator HILL)

24 COUNTY: York