

HB 2791 -- GEOFENCE SEARCHES

SPONSOR: Baker

This bill specifies that, subject to exceptions expressed in the bill, for a criminal investigation or prosecution, a law enforcement agency cannot obtain reverse location information for electronic devices within a geofence or based on cell site records unless it meets certain criteria specified in the bill. The bill describes what a law enforcement agency must do if, after executing a warrant, the agency seeks to obtain reverse location information beyond the parameters of a warrant. To obtain identifying information for an electronic device identified under the warrant, the agency must establish in a sworn warrant application probable cause to believe the electronic device was used or otherwise implicated in a crime. The bill describes certain circumstances under which a law enforcement agency can obtain reverse location information without a warrant. A law enforcement agency that executes a warrant to obtain identifying information for an electronic device must serve a notice on the owner of the electronic device within 90 days after the day on which the identifying information was obtained but in no case more than three days after the day on which the investigation was concluded, or, if the owner of the device is unknown to the agency, within 90 days after the day on which the agency identifies or reasonably could identify the owner. The agency will not be required to serve notice on a device owner if the owner resides outside of the United States. The agency may submit a request to delay service of the notice under certain circumstances, expressed in the bill.

Beginning January 1, 2025, a law enforcement agency or any government entity that obtained a reverse location warrant must annually submit a report containing information required under the bill on or before April 30 to the Crime Prevention committees of the House of Representatives and the Senate. The Crime Prevention committees in the House and the Senate will develop a standardized format for reporting the data, compile the data, and, on or before August 1 of each year, make a report of the data publicly available.