COMMITTEE AMENDMENT “ ” 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 bill in section 1 in §643 in the first paragraph in the last line (page 2, line 17 in L.D.) by inserting after the following: "entity." the following: ‘The government's notification obligation applies only if the government entity is able to identify the owner or user.’

Amend the bill in section 1 in §643 in subsection 1 in the 4th line (page 2, line 21 in L.D.) by inserting after the following: "information" the following: 'or, if the government entity is unable to identify the owner or user in time to meet this requirement, within 3 days of identifying the owner or user’

Amend the bill in section 1 in §643 in subsection 2 in the first and 2nd lines (page 2, lines 34 and 35 in L.D.) by striking out the following: "or section 645"

Amend the bill in section 1 in §643 in subsection 2 in the 3rd line (page 2, line 36 in L.D.) by striking out the following: "90" and inserting the following: '180'

Amend the bill in section 1 in §643 in subsection 3 in the 2nd line (page 3, line 4 in L.D.) by striking out the following: "or section 645"

Amend the bill in section 1 in §643 in subsection 3 in the 5th line (page 3, line 7 in L.D.) by striking out the following: "180" and inserting the following: 'for up to an additional 90 days'

Amend the bill in section 1 in §643 in subsection 4 in the 2nd line (page 3, line 11 in L.D.) by striking out the following: "for up to an additional 90 days"

Amend the bill in section 1 in §643 by striking out all of §§645 and 646.

Amend the bill in section 1 in §647 by striking out all of subsection 1 (page 5, lines 12 to 15 in L.D.)

Amend the bill in section 1 in §647 in subsection 3 in the first line (page 5, line 22 in L.D.) by striking out the following: "2" and inserting the following: '1'
Amend the bill in section 1 in §647 by renumbering the subsections to read consecutively.

Amend the bill in section 1 in subchapter 10 by renumbering the sections to read consecutively.

Amend the bill by inserting after section 1 the following:

''Sec. 2. Appropriations and allocations. The following appropriations and allocations are made.

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General 0310

Initiative: Provides funds for 2 Research Assistant positions and related costs to manage the notification provisions of the Maine Revised Statutes, Title 16, chapter 3, subchapter 10.

GENERAL FUND

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<th>POSITIONS - LEGISLATIVE COUNT</th>
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<th>2014-15</th>
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<tr>
<td>Personal Services</td>
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<tr>
<td>All Other</td>
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<td>GENERAL FUND TOTAL</td>
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Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment is the minority report of the Joint Standing Committee on Judiciary.

This amendment clarifies that a government entity that obtains the location information of a cellular telephone or other electronic device without a valid warrant has an obligation to notify the owner or user about obtaining the location information only if the government entity is able to identify the owner or user. Once the government entity identifies the owner or user, the government entity must notify the owner or user within 3 days.

The bill allows a government entity, when applying for a warrant, to request a delay of not more than 90 days in notifying the owner or user. This amendment extends the delay period to up to 180 days.

This amendment deletes from the bill the authorization for the Attorney General to designate an investigative or law enforcement officer to obtain location information without a warrant if there is an imminent threat of death or serious physical injury or a threat to national security. It also deletes from the bill the reporting requirements imposed on judges who issue or deny warrants.

This amendment deletes from the bill the prohibition on the use of evidence obtained in violation of the provisions of the bill, instead relying on Fourth Amendment
COMMITTEE AMENDMENT “ ” to S.P. 157, L.D. 415

jurisprudence as it develops through case law to provide for the exclusion of evidence
that is improperly obtained.

This amendment also adds an appropriations and allocations section to the bill.

FISCAL NOTE REQUIRED

(See attached)