

1 HB81
2 135604-2
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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2 ENROLLED, An Act,

3 Relating to stored wire and electronic
4 communications, transactional location records, pen registers,
5 and trap and trace devices; to provide for the following of
6 federal law regarding these devices; and to provide for the
7 installation and use of these devices in emergency situations,
8 including an emergency declared as to a missing persons
9 report.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. (a) The definitions, prohibitions,
12 authorizations, and procedures regarding access to stored wire
13 and electronic communications and transactional records and
14 the installation or use of pen registers or trap and trace
15 devices shall be adopted and coextensive with the provisions
16 of the federal law defined at Chapters 121 and 206 of Title
17 18, United States Code, Sections 2707-2712 and 3121-3127, and
18 as those provisions may hereafter be amended.

19 (b) Emergency pen registers and trap and trace
20 devices may be installed pursuant to the provisions of the
21 federal law defined in Title 18, United States Code, Section
22 3125, as it may hereafter be amended, provided the
23 investigative or law enforcement officer declaring the
24 emergency has been specially authorized and designated in
25 writing by the Attorney General, district attorney, or city

1 attorney, if authorized to prosecute felony offenses, with
2 prosecuting jurisdiction over the offense, investigation,
3 defendant, or provider of wire or electronic communications
4 service whose assistance is required.

5 (c) An emergency declared or order issued under the
6 combined authority of the provisions of federal law defined at
7 Chapters 121 and 206 of Title 18, United States Code, Sections
8 2701-2712 and 3121-3127, may authorize disclosure of
9 call-identifying addressing, routing, or signaling information
10 that may disclose the physical location of the subscriber,
11 customer, or user of a wire or electronic communications
12 service.

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

1 (e) Orders or search warrants, or both, issued
2 pursuant to this section are expressly allowed to be
3 prospective in nature. and these orders or search warrants, or
4 both, are allowed to be executed during the day and night.

5 Further, an inventory of the information obtained pursuant to
6 an order or search warrant issued pursuant to this section
7 related to electronic storage media or the seizure or copying
8 of electronically stored information may be limited to
9 describing the physical storage media that was seized or
10 copied. Within 10 days after the expiration of the order or
11 search warrant issued pursuant to this section, law
12 enforcement must return the order or search warrant to the
13 judge designated in the order or search warrant, and, if
14 unavailable, to another judge with jurisdiction.

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-FEB-12.

Greg Pappas
Clerk

Senate

16-MAY-12

Amended and Passed

House

16-MAY-12

Concurred in Sen-
ate Amendment