

Department of Planning and Budget 2016 Fiscal Impact Statement

1. Bill Number: HB924

House of Origin	<input type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input checked="" type="checkbox"/> Engrossed
Second House	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

2. Patron: Mason

3. Committee: Courts of Justice

4. Title: Electronic communications; contents; admissibility.

5. Summary: Provides that providers of electronic communication services can provide real-time location data to an investigative or law-enforcement officer without a warrant so long as the disclosure is not prohibited by federal law and at least one of the following circumstances applies: (i) an officer is responding to a user's call for emergency services, (ii) an officer has the informed, affirmative consent of the owner or user of the electronic device concerned, (iii) an officer has the informed, affirmative consent of the legal guardian or next of kin of the owner or user if the owner is believed to be deceased, missing, or unable to be contacted, or (iv) an officer believes there to be an emergency involving the immediate danger to a person.

Also allows the provider of an electronic communication service or remote computing service to verify the authenticity of contents of electronic communications by providing an affidavit from the custodian of the written records and reports (or the person to whom the custodian reports) certifying that they are true and complete and prepared in the regular course of business. The bill would allow the contents of electronic communications to be admissible in evidence as a business record exception to the hearsay rule in any proceeding where such written reports and records are material and otherwise admissible. Under current law, the contents of the electronic communications are excluded from this process.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: No state fiscal impact.

8. Fiscal Implications: This bill does not create a state fiscal impact.

9. Specific Agency or Political Subdivisions Affected: N/A.

10. Technical Amendment Necessary: No.

11. Other Comments: None.