



SF0010

Warrants for digital records.

Sponsored By: Joint Judiciary Interim Committee

AN ACT relating to criminal procedure; authorizing warrants to out-of-state providers of electronic communication services and remote computing services; specifying procedures; requiring Wyoming providers to comply with out-of-state warrants as specified; providing immunity for compliance; defining terms; making conforming amendments; and providing for an effective date.

12/10/2019 Bill Number Assigned
2/7/2020 S Received for Introduction
2/10/2020 S Introduced and Referred to S01 - Judiciary 27-2-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Biteman, Boner, Bouchard, Case, Coe, Dockstader, Driskill, Ellis, Hicks, Hutchings, James, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Schuler, Scott, Steinmetz, Von Flatern, Wasserburger

Nays: Senator(s) Gierau, Rothfuss

Excused: Senator Agar

Ayes 27 Nays 2 Excused 1 Absent 0 Conflicts 0

2/12/2020 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anselmi-Dalton, Boner, Kost, Nethercott, Von Flatern

Ayes 5 Nays 0 Excused 0 Absent 0 Conflicts 0

2/12/2020 S Placed on General File

SF0010SS001/ADOPTED

Page 8-line 6 After "district" insert "or circuit". NETHERCOTT, CHAIRMAN

2/13/2020 S COW:Passed

SF0010S2001/FAILED

Page 1-line 6 After "compliance;" insert "prohibiting the seizure of specified electronic records without a warrant; specifying exceptions to the warrant requirement;".

Page 1-line 16 After "**notice;**" insert "**disclosure limitations; exceptions;**".

Page 6-after line 11 Insert and renumber as necessary:

"(e) Except as provided in subsection (f) of this section, a law enforcement agency that executes a warrant pursuant to this section shall issue a notification not later than ten (10) business days to the person whose records relating to electronic communications services or remote computing services have been obtained under the warrant. The notice shall include:

- (i) That a warrant was applied for and granted;
- (ii) The type of warrant sought and issued;

(iii) The period of time during which the collection of the records relating to electronic communications services or remote computing services was authorized;

(iv) Any criminal offense alleged in the warrant to have been committed by the person whose records relating to electronic communications services or remote computing services were sought;

(v) The identity of the law enforcement agency that sought the warrant;

(vi) The identity of the judge who issued the warrant.

(f) A law enforcement agency seeking a warrant under this section may seek permission from the court issuing the warrant to delay providing the notice required by subsection (e) of this section by:

(i) Not more than thirty (30) days if the court determines that there is probable cause to believe that providing the notice may result in any of the events specified in paragraph (d)(i) of this section;

(ii) Not more than sixty (60) additional days if a delay is granted under paragraph (i) of this subsection if the court determines that the additional delay is necessary because the investigation involving the warrant:

(A) Is interstate in nature and sufficiently complex; and

(B) Is likely to extend up to or beyond the additional sixty (60) days as specified in this paragraph."

Page 6-line 13 Delete "(e)" and insert "(g)".

Page 6-line 22 Delete "(f)" and insert "(h)".

Page 7-line 6 Delete "(g)" and insert "(j)".

Page 7-line 8 Delete "(f)" and insert "(h)".

Page 7-line 12 Delete "(h)" and insert "(k)".

Page 7-after line 15 Insert and renumber as necessary:

"(m) Except as provided in subsection (n) of this section, no law enforcement agency shall obtain records relating to electronic communications services or remote computing services without the issuance of a search warrant as provided by this section.

(n) A law enforcement agency may request or obtain records relating to electronic communications services or remote computing services without the issuance of a search warrant if:

(i) There is immediate danger to the life or physical safety of an individual;

(ii) The owner of the records relating to electronic communications services or remote computing services consents in writing to the disclosure or production of the records;

(iii) The law enforcement agency receives a report forwarded by the national center for missing and exploited children under 18 U.S.C. § 2258A;

(iv) Another judicially recognized exception to warrant requirements applies.". BOUCHARD

SF0010S2002/FAILED

Page 7-line 6 Delete entirely including the Bouchard second reading amendment (SF0010S2001/A) to this line.

Page 7-lines 7 through 10 Delete entirely. ROTHFUSS

SF0010S2003/ADOPTED

Page 3-line 7 After "district" insert "or circuit". NETHERCOTT

SF0010S2004/FAILED

Page 7-line 4 After "court" insert ", provided that the warrant was issued in compliance with the same or substantially similar requirements for issuing a warrant as provided by subsection (b) of this section". ROTHFUSS

2/14/2020 S 2nd Reading:Passed
2/17/2020 S 3rd Reading:Passed 18-11-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Anselmi-Dalton, Baldwin, Bebout, Boner, Coe, Dockstader, Ellis, Kinskey, Kost, Landen, Moniz, Nethercott, Pappas, Perkins, Schuler, Scott, Wasserburger

Nays: Senator(s) Agar, Biteman, Bouchard, Case, Driskill, Gierau, Hicks, Hutchings, James, Rothfuss, Steinmetz

Excused: Senator Von Flatern

Ayes 18 **Nays** 11 **Excused** 1 **Absent** 0 **Conflicts** 0

2/18/2020 H Received for Introduction
2/24/2020 H Introduced and Referred to H01 - Judiciary
2/27/2020 H01 - Judiciary:Do Pass Failed 4-5-0-0-0

ROLL CALL

Ayes: Representative(s) Kirkbride, Pownall, Stith, Washut

Nays: Representative(s) Burlingame, Gray, Jennings, Pelkey, Salazar

Ayes 4 **Nays** 5 **Excused** 0 **Absent** 0 **Conflicts** 0

3/11/2020 H postponed indefinitely