

1 HB140  
2 115876-1  
3 By Representative England  
4 RFD: Judiciary  
5 First Read: 12-JAN-10  
6 PFD: 01/07/2010

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8 SYNOPSIS: This bill would provide that any procedures  
9 adopted regarding access to stored wire and  
10 electronic communications and transactional  
11 location records and the installation or use of pen  
12 registers or trap and trace devices should be  
13 coextensive with the provisions of federal law  
14 regarding the same devices.

15 This bill would provide procedures for  
16 installing or using emergency pen registers,  
17 transactional location records, and trap and trace  
18 devices and would provide guidelines for the use of  
19 the devices when an emergency is declared relating  
20 to a missing persons report.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to stored wire and electronic  
27 communications, transactional location records, pen registers,

1 and trap and trace devices; to provide for the following of  
2 federal law regarding these devices; and to provide for the  
3 installation and use of these devices in emergency situations,  
4 including an emergency declared as to a missing persons  
5 report.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 (b) Emergency pen registers and trap and trace  
16 devices may be installed pursuant to the provisions of the  
17 federal law defined in Title 18, United States Code, Section  
18 3125, as it may hereafter be amended, provided the  
19 investigative or law enforcement officer declaring the  
20 emergency has been specially authorized and designated in  
21 writing by the Attorney General, district attorney, or city  
22 attorney, if authorized to prosecute felony offenses, with  
23 prosecuting jurisdiction over the offense, investigation,  
24 defendant, or provider of wire or electronic communications  
25 service whose assistance is required.

26 (c) An emergency declared or order issued under the  
27 combined authority of the provisions of federal law defined at

1 Chapters 121 and 206 of Title 18, United States Code, Sections  
2 2701-2712 and 3121-3127, may authorize disclosure of  
3 call-identifying addressing, routing, or signaling information  
4 that may disclose the physical location of the subscriber,  
5 customer, or user of a wire or electronic communications  
6 service.

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

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