

HOUSE BILL 2087

By Van Huss

AN ACT to amend Tennessee Code Annotated, Title 39,
Chapter 13, Part 6, relative to surveillance.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by adding the following language as a new section:

(a) As used in this section:

(1) "Electronic communication service" means a service that provides to users of the service the ability to send or receive wire or electronic communications;

(2) "Electronic device" means a device that enables access to or use of an electronic communication service, remote computing service, or location information service;

(3) "Governmental entity" means a state or local government agency, including, but not limited to, any law enforcement agency that is a lawfully established state or local public agency responsible for the prevention and detection of crime, local government code enforcement, or the enforcement of penal, traffic, regulatory, game, or controlled substance laws. A governmental entity also includes any other investigative entity, agency, department, division, bureau, board, commission, or an individual acting or purporting to act for or on behalf of a state or local agency;

(4) "Location information" means information concerning the location of an electronic device that, in whole or in part, is generated or derived from or obtained by the operation of an electronic device;

(5) "Location information service" means the provision of global positioning service or other mapping, locational, or directional information service; and

(6) "Remote computing service" means the provision of computer storage or processing services by means of an electronic communications system.

(b) Except as provided in subsection (c), no governmental entity shall obtain the location information of an electronic device without a search warrant issued by a duly authorized court.

(c) A government entity may obtain location information of an electronic device under any of the following circumstances:

- (1) The device is reported stolen by the owner;
- (2) In order to respond to the user's call for emergency services;
- (3) To prevent imminent danger to the life of the owner or user;
- (4) To prevent imminent danger to the public; or
- (5) With the informed, affirmative consent of the owner or user of the electronic device.

(d) Any evidence obtained in violation of this section is not admissible in a civil, criminal, or administrative proceeding and shall not be used in an affidavit of probable cause in an effort to obtain a search warrant.

(e) A person who violates this section commits a Class C misdemeanor.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.