

SENATE FILE NO. SF0067

Wiretap authorization.

Sponsored by: Joint Judiciary Interim Committee

A BILL

for

1 AN ACT relating to criminal procedure; modifying
2 authorization for communication interception, pen registers
3 and trap and trace devices; clarifying conditions and
4 procedure for communication interception; and providing for
5 an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 7-3-705(a) by creating new paragraphs
10 (iii) through (viii), 7-3-707(c)(intro), 7-3-803(a) and
11 (b)(ii) and 7-3-804(a) are amended to read:

12

13 **7-3-705. Authorization for interception of wire, oral**
14 **or electronic communications.**

15

16 (a) The attorney general or the district attorney
17 within whose jurisdiction the order is sought in

1 conjunction with the attorney general, may authorize an
2 application to a judge of competent jurisdiction for an
3 order authorizing the interception of wire, oral or
4 electronic communications by the Wyoming division of
5 criminal investigation, federal criminal law enforcement
6 agency or any law enforcement agency of the state having
7 responsibility for investigation of the offense for which
8 the application is made, if the interception may provide
9 evidence of an attempt to commit, conspiracy to commit,
10 solicitation to commit or the commission of any of the
11 following felony offenses or comparable crimes in any other
12 jurisdiction:

13

14 (iii) Murder as defined in W.S. 6-2-101 and
15 6-2-104;

16

17 (iv) Kidnapping or a related felony offense as
18 defined in W.S. 6-2-201, 6-2-202 and 6-2-204;

19

20 (v) First or second degree sexual assault as
21 defined in W.S. 6-2-302 and 6-2-303, or any of the offenses
22 specified in W.S. 6-2-314, 6-2-315, 6-2-318 and 6-4-303;

23

24 (vi) Robbery as defined in W.S. 6-2-401;

1

2

(vii) Blackmail as defined in W.S. 6-2-402;

3

4

(viii) Escape as defined in W.S. 6-5-206 and

5

6-5-207.

6

7

**7-3-707. Procedure for interception of wire, oral or
electronic communications.**

9

(c) Upon an application, the judge may issue an ex parte order, as requested or modified, authorizing interception of wire, oral or electronic communications which interception shall be within the territorial jurisdiction of the court in which the judge is sitting, and outside that jurisdiction but within the state of Wyoming in the case of a mobile interception device authorized by a district court within such district, if the judge determines on the basis of the facts submitted by the applicant that:

20

21

**7-3-803. Application for an order for a pen register
or a trap and trace device.**

23

1 (a) An attorney for the state may make application
2 for an order or an extension of an order under W.S. 7-3-804
3 authorizing the installation and use of a pen register or a
4 trap and trace device under this act, in writing under oath
5 or equivalent affirmation, to a court of competent
6 jurisdiction only for investigations of violations of the
7 ~~Wyoming Controlled Substances Act of 1971~~ offenses listed
8 in W.S. 7-3-705(a).

9
10 (b) An application under subsection (a) of this
11 section shall include:

12
13 (ii) A certification by the applicant that the
14 information likely to be obtained is relevant to an ongoing
15 investigation of a violation of the ~~Wyoming Controlled~~
16 ~~Substances Act of 1971~~ offenses listed in W.S. 7-3-705(a)
17 being conducted by that agency.

18
19 **7-3-804. Issuance of an order for a pen register or a**
20 **trap and trace device.**

21
22 (a) Upon an application made under W.S. 7-3-803, the
23 court shall enter an ex parte order authorizing the
24 installation and use of a pen register or a trap and trace

1 device within the state if the court finds that the
2 attorney for the state has certified to the court that the
3 information likely to be obtained by such installation and
4 use is relevant to an ongoing investigation of a violation
5 of ~~the Wyoming Controlled Substances Act of 1971~~ an offense
6 listed in W.S. 7-3-705(a).

7

8 **Section 2.** W.S. 7-3-705(a)(ii) is repealed.

9

10 **Section 3.** This act is effective July 1, 2013.

11

12

(END)