

SENATE BILL 476

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6lr2779
CF HB 257

By: **Senators Lee, Benson, King, Manno, and Nathan-Pulliam**

Introduced and read first time: February 3, 2016

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Procedure – Providing Electronic Device Location Information –**
3 **Historical Data**

4 FOR the purpose of altering a certain definition of “location information” to include
5 historical information concerning the geographic location of an electronic device that
6 is or was generated by or derived from the operation of that device; providing that
7 certain evidence is not admissible in a certain proceeding; and generally relating to
8 providing electronic device location information.

9 BY repealing and reenacting, without amendments,
10 Article – Criminal Procedure
11 Section 1–203.1(a)(1) and (b)(1)
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2015 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Procedure
16 Section 1–203.1(a)(5) and (e)
17 Annotated Code of Maryland
18 (2008 Replacement Volume and 2015 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Criminal Procedure**

22 1–203.1.

23 (a) (1) In this section the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (5) “Location information” means real–time [or], present, **OR HISTORICAL**
2 information concerning the geographic location of an electronic device that is **OR WAS**
3 generated by or derived from the operation of that device.

4 (b) (1) A court may issue an order authorizing or directing a law enforcement
5 officer to obtain location information from an electronic device after determining from an
6 application described in paragraph (2) of this subsection that there is probable cause to
7 believe that:

8 (i) a misdemeanor or felony has been, is being, or will be committed
9 by the owner or user of the electronic device or by the individual about whom location
10 information is being sought; and

11 (ii) the location information being sought:

12 1. is evidence of, or will lead to evidence of, the misdemeanor
13 or felony being investigated; or

14 2. will lead to the apprehension of an individual for whom an
15 arrest warrant has been previously issued.

16 (e) **(1)** Discovery of the location information application, affidavit, order, and
17 related documents, if any, are subject to the provisions of Maryland Rules 4–262 and
18 4–263.

19 **(2) EXCEPT AS PROOF OF A VIOLATION OF THIS SECTION, EVIDENCE**
20 **OBTAINED IN VIOLATION OF THIS SECTION AND EVIDENCE DERIVED FROM**
21 **EVIDENCE OBTAINED IN VIOLATION OF THIS SECTION ARE NOT ADMISSIBLE IN A**
22 **CRIMINAL, CIVIL, ADMINISTRATIVE, OR OTHER PROCEEDING.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2016.