

Bill Number: HB499
Scott D. Shellenberger, State's Attorney for Baltimore County
Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION TO HOUSE BILL 499
CELL SITE SIMULATOR TECHNOLOGY

I write in opposition to House Bill 499 cell site simulator technology as currently drafted as it would impact negatively on the way certain drug investigations are conducted.

Specifically section (4)(IV) needs to be amended. There is an investigative technique called canvassing. Basically the police know someone is a drug dealer. They know the dealer has four phones but don't know the numbers. The police use the cell site simulator at different locations where the drug dealer is seen. The simulator sucks in all unique identifier numbers of phones in the area where the dealer is located and using their phones. The police find the electronic identifiers of the four phones that were at the multiple locations where the drug dealer was. The police must then seek court orders to have the service providers identify the four phone numbers associated with the four electronic identifiers they discovered. When service providers answer the legal process, the police will then know the drug dealers numbers and can ask for a court ordered wiretap. They dump all other ID numbers that belong to everyone but the drug dealer.

Please remember a cell site simulator does not have access to:

The actual phone number	GPS Data
Voice	Social Media
Contact Lists	The mobile device's camera
Call logs	Stored Pictures
SMS	MSS
E-Mail	

All cell site investigations are done with court orders and a Judges supervision. Forcing the police to destroy all third party identifiers in 10 days is too quick, the data should be held as long as the court is supervising.

I proposed an amendment:

Section (4)(IV) on page 5 needs to be amended. The section should read:
"Any third-party or non-target data be retained for not more than 10 days
AFTER THE EXPIRATION OF THE ORDER and be permanently
destroyed after the 10 day period."

This assures destruction of non-targeted data but does not cut the investigation short.

I oppose House Bill 499 as currently written. If the above amendment is made, I can support the bill and we can leave the topic of cell site simulators behind.