

Bill Number: HB 477
Scott D. Shellenberger, State's Attorney for Baltimore County
Support

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN SUPPORT OF HOUSE BILL 477
CELL SITE SIMULATOR

A few years ago, the Legislature updated Criminal Procedure Article §1-203.1 to bring up to date certain police techniques used in criminal investigations. You brought up to date the rules for obtaining cell phone location information and the use of a cell site simulator.

House Bill 477 is a common sense modernization of how police and the Judiciary can interact when getting orders signed for these devices and techniques.

House Bill 477 makes clear the practice that takes place in many jurisdictions, which permits these orders to be obtained in person, by secure fax or by secure electronic mail. Often there has to be additional interaction between the police and the Judiciary and House Bill 477 makes clear this can be done in person, by telephone, or via video. Finally, it permits a Judge to sign these court orders electronically.

House Bill 477 is patterned after Criminal Procedure §1-203 dealing with search warrants. Criminal Procedure §1-203 was updated a few years ago to allow for these court orders to be transmitted and signed by electronic signature. It is time to bring consistency and logic into modern times. This is how all of us do business and should be extended to cell phone orders.

After all, it is the judicial oversight that we all want and we should make it appropriate to the timers.

I urge a favorable report.