

SB383 Support Letter.pdf

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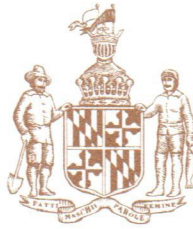
Position: FAV

ROBERT G. CASSILLY
Legislative District 34
Harford County

Judicial Proceedings Committee

Joint Committee on Administrative,
Executive, and Legislative Review

Joint Committee on Federal Relations



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 401
Annapolis, Maryland 21401
410-841-3158 · 301-858-3158
800-492-7122 Ext. 3158
Bob.Cassilly@senate.state.md.us

District Office
1015 South Main Street
Bel Air, Maryland 21014
443-502-0583

February 9, 2021

RE: Senate Bill 383 – Court Order to Use a Cell Site Simulator or Obtain Location Information From an Electronic Device - Procedures

Dear Committee Members:

I request your support for SB 383. The purpose of this bill is to allow court orders to use a cell site simulator to be processed electronically. Currently all other court orders are allowed to be processed electronically or in person. This bill is simply procedural in nature and does not change any substantive law. This will streamline the procedural process and is important during this pandemic to limit in-person contact.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Cassilly", written over a horizontal line.

Senator Bob Cassilly

MD Judiciary - Testimony SB 383.pdf

Uploaded by: Elalamy, Sara

Position: FAV

MARYLAND JUDICIAL CONFERENCE
GOVERNMENT RELATIONS AND PUBLIC AFFAIRS

Hon. Mary Ellen Barbera
Chief Judge

187 Harry S. Truman Parkway
Annapolis, MD 21401

MEMORANDUM

TO: Senate Judicial Proceedings Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: Senate Bill 383
Court Order to Use a Cell Site Simulator or Obtain Location
Information from an Electronic Device - Procedures
DATE: January 27, 2021
(2/11)
POSITION: Support

The Maryland Judiciary supports Senate Bill 383. Senate Bill 383 provides the ways in which an application for a court order authorizing or directing a law enforcement officer to use a cell site simulator or obtain location information from an electronic device may be submitted to a judge; provides for the ways in which an applicant for the court order and a judge may converse about the court order application; and provides for the ways in which a judge may issue the court order.

The Judiciary believes this bill is practical as it allows for an application for a court order to be submitted to a judge in-person, by secure fax, or by secure electronic mail if accompanied by the affidavit, proposed order, and a printable image of the application (fax and email) or the paper application (in-person delivery). Further, this bill allows for the applicant and judge to converse about the application in multiple ways (in person, phone, or video). Finally, this bill outlines procedures for sending the signed order either in person, via fax, or through secure electronic mail. The bill will alter the ways in which these applications are processed but will allow for more options (in person, fax, and secure electronic mail). This bill provides more tools for both the court and law enforcement and can allow for a more efficient process when obtaining or requesting such orders.

cc. Hon. Robert Cassilly
Judicial Council
Legislative Committee
Kelley O'Connor

SB 383 - Cell Site Simulator.pdf

Uploaded by: Shellenberger, Scott

Position: FAV

Bill Number: SB 383
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 SENATE BILL 383
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.

Senate Bill 383 is a common sense modernization of how police and the Judiciary can interact when getting orders signed for these devices and techniques.

Senate Bill 383 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 Senate Bill 383 makes clear this can be done in person, by telephone, or via video. Finally, it permits a Judge to sign these court orders electronically.

Senate Bill 383 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.