

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 15, 2009
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

SB09-284 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 2, line 2, strike "18-9-312 (1)," and substitute
- 2 "18-9-312,";
- 3 line 5, strike "**blocking**";
- 4 line 10, strike "~~previously designated~~" and substitute "previously
- 5 designated";
- 6 line 11, strike "PREVIOUSLY DESIGNATED";
- 7 strike lines 12 and 13 and substitute the following:
- 8 "PROVIDER to arrange, TO THE EXTENT THE NECESSARY TECHNOLOGY IS
- 9 REASONABLY AVAILABLE TO THE PROVIDER, to cut, reroute, or divert
- 10 telephone lines OR CELLULAR OR DIGITAL COMMUNICATIONS SIGNALS".
- 11 Page 3, line 3, strike "BLOCKING OR INTERCEPTION OF";
- 12 after line 8, insert the following:
- 13 "(2) The serving ~~telephone company~~ COMMUNICATIONS OR
- 14 INTERNET ACCESS PROVIDER within the geographical area of a law
- 15 enforcement agency shall designate a ~~telephone company~~ security official
- 16 EMPLOYED BY THE PROVIDER and an alternate to provide all required

1 assistance to law enforcement officials to carry out the purposes of this
2 section.

3 (3) Good faith reliance on an order by any supervising
4 representative of a law enforcement agency shall constitute a complete
5 defense to any action brought against a ~~telephone company~~
6 COMMUNICATIONS OR INTERNET ACCESS PROVIDER or any of its employees
7 or agents in connection with actions taken under this section. A
8 COMMUNICATIONS OR INTERNET ACCESS PROVIDER AND ITS EMPLOYEES OR
9 AGENTS SHALL NOT BE LIABLE IN ANY CIVIL ACTION TO ANY PERSON OR
10 ENTITY FOR INJURIES, DEATH, OR LOSS TO ANY PERSON OR PROPERTY
11 INCURRED AS A RESULT OF ANY ACT OR OMISSION RESULTING FROM,
12 CONNECTED WITH, OR INCIDENTAL TO COMPLIANCE WITH THIS SECTION."

13 Page 1, line 104, strike "**OFFICER BY BLOCKING COMMUNICATIONS.**" and
14 substitute "**OFFICER.**".

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