

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0942
Prime Sponsor(s): Rep. Kagan; Gardner

Date: April 15, 2013
Bill Status: House Judiciary
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TITLE: CONCERNING ALLOWING A LAW ENFORCEMENT AGENCY TO ACQUIRE CALL LOCATION INFORMATION FROM A TELECOMMUNICATIONS DEVICE WITHOUT A COURT ORDER IN AN EMERGENCY SITUATION.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures	Minimal decrease - see State Expenditures section.	
FTE Position Change		
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: Minimal decrease - see Local Government Impact section.		

Summary of Legislation

This bill allows a supervising representative of a law enforcement agency (requestor) to direct a previously identified employee of a communications or internet access provider to provide call location information of a person without a court order. The requestor must have probable cause to believe that an emergency situation exists and the time required to obtain a search warrant or other court order would exacerbate the risk of death or serious bodily injury to the person or another person within his or her company.

Within 24 hours of receiving such call location information, a requestor must provide the employee with a written statement documenting the request. Written statements must be kept by both the requestor and the employee for at least five years. The requestor must also either obtain a court order stating the information was lawfully obtained or destroy the data within 24 hours.

State Expenditures

This bill could decrease workload for state agencies and trial courts by a minimal amount as a result of reducing the need to obtain a warrant or other court order to obtain call location data in certain circumstances. This analysis assumes the Departments of Corrections, Higher Education, Law, Natural Resources, Public Safety, and Revenue may experience a minimal reduction in

workload. In addition, depending on whether a state or local agency chooses to destroy information received rather than obtain a court order stating the information was obtained lawfully, workload within the Judicial Branch may be reduced. As the workload impact is anticipated to be minimal, no reductions in appropriations are required for any state agency.

Local Government Impact

Similar to the state, this bill could reduce workload by a minimal amount for local law enforcement agencies if they choose to destroy call location information rather than seek a court order after the fact. To the extent that this occurs, workload for district attorneys may also be reduced by a minimal amount.

Departments Contacted

Corrections
Higher Education
Local Affairs
Public Safety

Counties
Judicial
Municipalities
Revenue

District Attorneys
Law
Natural Resources
Special Districts