

Colorado Legislative Council Staff Fiscal Note

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 14-0903	Date: April 17, 2014
Prime Sponsor(s): Sen. Carroll; Lundberg Rep. Singer	Bill Status: Senate Judiciary
	Fiscal Analyst: Kerry White (303-866-3469)

SHORT TITLE: LOCATION INFORMATION AFTER US V JONES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	Minimal workload increase.	
General Fund		
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

This bill prohibits a state or local agency from obtaining location information from an electronic device without first obtaining a search warrant. Exceptions are provided:

- when the device is reported stolen by its owner;
- in order to respond to the user's call for emergency services;
- with the informed consent of the owner or user of the electronic device; or
- when a representative of a state or local agency signs an affidavit stating that there exists a possible life-threatening situation.

If location information or evidence arising from the location information is to be used in a court proceeding, all parties must receive copies of the search warrant and application at least ten days prior to the proceeding. A court may waive this requirement if it finds that it is not possible to comply with the requirement and that the party will not be prejudiced by the delay in receiving the information.

Background

In 2012, in the case of *United States v. Jones*, the United States Supreme Court unanimously affirmed the ruling of the Court of Appeals for the District of Columbia Circuit that held that the warrantless use of a global positioning system (GPS) device constituted a search in violation of the Fourth Amendment's protection against unreasonable searches.

State Expenditures

By requiring a search warrant to be secured prior to obtaining location information from electronic devices, this bill will increase workload for the trial courts. This increase in workload is anticipated to be minimal and will not require an increase in appropriations for any state law enforcement agency or for the Judicial Department.

Local Government Impact

Similar to the state, this bill will increase workload for local law enforcement agencies to secure search warrants for obtaining location information from electronic devices. The increase in workload is anticipated to be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Counties
Law
Sheriffs

District Attorneys
Municipalities

Judicial
Public Safety