

2015 Regular Session

HOUSE BILL NO. 103

BY REPRESENTATIVE ADAMS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIMINAL/PROCEDURE: Authorizes the attorney general and certain employees of that office to use electronic surveillance equipment

1 AN ACT

2 To enact R.S. 15:1314(A)(4), relative to electronic surveillance; to provide relative to
3 obtaining a court order to use electronic surveillance equipment; to authorize the
4 attorney general and certain employees of the office of the attorney general to apply
5 for a court order to use electronic surveillance equipment; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 15:1314(A)(4) is hereby enacted to read as follows:

9 §1314. Application for an order for a pen register or a trap and trace device

10 A. An investigative or law enforcement officer may make application for an
11 order or an extension of an order under R.S. 15:1315 to a court of competent
12 jurisdiction authorizing or approving the installation and use of a pen register or a
13 trap and trace device under this Part, in writing under oath or equivalent affirmation,
14 to a court of competent jurisdiction of this state. For the purposes of R.S. 15:1313
15 through 1316 only, "investigative or law enforcement officer" means:

16 * * *

17 (4) The attorney general or an attorney general's investigator which has been
18 specifically designated by the attorney general as responsible for preparation of
19 applications for installation and use of pen register or trap and trace devices.

20 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 103 Engrossed

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Abstract: Authorizes the attorney general and certain investigators to use electronic surveillance equipment pursuant to a court order.

Present law provides for the use of electronic surveillance equipment pursuant to a court order.

Present law limits the use of such equipment to "law enforcement or investigative officers" and defines those as:

- (1) Any commissioned officer of the office of state police.
- (2) Any full-time commissioned city police officer of a municipality of this state.
- (3) Any sheriff or deputy sheriff of a parish of this state.

Proposed law retains present law and adds the attorney general or an attorney general's investigator to the list of law enforcement officers who can obtain a court order authorizing the use of electronic surveillance equipment.

(Adds R.S. 15:1314(A)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove assistant attorney generals from those investigative or law enforcement officers who can apply for a court order to use of a pen register or trap and trace device.