The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 68 Original | 2019 Regular Session | Gary Smith

Present law provides that a search warrant cannot be lawfully executed after the expiration of the 10th day after its issuance.

Proposed law provides an exception to present law for data or information contained on an electronic device. Proposed law provides that if a search warrant is issued to search for and seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic, communication, or data storage device, the warrant is considered to have been executed within the 10-day period allowed by present law if the device was seized before the expiration of the 10-day period, or if the device was in law enforcement custody at the time of the issuance of the warrant. Proposed law further provides that if the electronic device was seized before the expiration of the 10-day period, or if the device was in law enforcement custody at the time of the issuance of the warrant, any data or information contained in or on the device may be recovered or extracted at any time.

Effective August 1, 2019.

(Amends C.Cr.P. Art. 163(C); adds C.Cr.P. Art. 163(E))