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DIGEST

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Perry

SB No. 710

Present law authorizes the interception of wire, electronic, or oral communications and provides relative to the procedure by which such interception is conducted. Present law further provides relative to the manufacture, distribution, or possession of communication intercepting devices, and provides relative to reports concerning the interception of communications.

Present law provides for a definition of "communications common carrier."

Present law provides that "pen register" means a device which records and decodes electronic or other impulses which identify the numbers dialed or otherwise transmitted on the telephone line to which such device is attached, but this term does not include any device used by a provider or customer of a wire or electronic communication service for billing, or recording as an incident to billing, for communications services provided by such provider or any device used by a provider or customer of a wire communication service for cost accounting or other like purposes in the ordinary course of its business.

Proposed law adds electronic communications to all present law provisions regarding the interception of communications.

Proposed law amends the definition of "pen register" to provide that "pen register" means dialing, routing, addressing, or signaling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted, if the information does not include the contents of the communication. Proposed law further provides that "pen register" does not include a device used by a provider or customer of a wire or electronic communication service in the ordinary course of the provider's or customer's business for either of the following purposes:

- (1) Billing or recording as an incident to billing for communications services.
- (2) Cost accounting, security control, or other ordinary business purposes.

(Amends R.S. 15:1302(4), (11) and (15), 1303(A)(1), (2), (3), and (4), (C)(2), (3) and (4), 1304(A), 1308(A) (introductory paragraph) and 1308(B), 1309, 1310(A) (introductory paragraph) and 1310(A)(6), 1310(C) (introductory paragraph) and 1310(C)(5), 1310(D)(1) (introductory paragraph), 1310(E), (F)(1) and (2), 1310(F)(4) (introductory paragraph), 1310(F)(4)(c) and (G), 1310(H)(1) (introductory paragraph) and 1310(H)(2), 1311(C) and 1312(A) (introductory paragraph))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the engrossed bill.

1. Made technical corrections.
2. Clarified language in the exception to the definition of "pen register."