

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 680 - SB 785

March 25, 2015

SUMMARY OF BILL: Requires governmental entities to obtain a warrant before collecting stored data or transmitted data of an electronic device without a valid search warrant.

Any data collected outside the scope of the warrant must be destroyed within 24 hours of collection.

A governmental entity may collect stored or transmitted data without a warrant (1) with informed, affirmative consent of the owner of the device; (2) in accordance with recognized exceptions to the warrant requirement; or (3) if the owner voluntarily and publicly discloses the data.

Requires notice be given to the user whose stored or transmitted data was searched or collected pursuant to a warrant.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

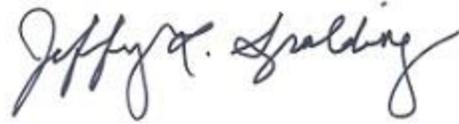
Assumptions:

- The bill essentially codifies the United States Supreme Court's holding in *Riley v. California*, 573 U.S. ___, Docket Nos. 13-132 and 13-212, 134 S. Ct. 2473 (2014), in which the Supreme Court held that a warrant is required to search a mobile phone.
- The Supreme Court issued the *Riley* decision on June 25, 2014. Governmental entities should already be obtaining warrants before collecting stored or transmitted data from an electronic device.
- The bill adds a notice requirement to the user of the electronic device, but it is assumed that the notice requirement can be met by state and local governmental entities within their existing resources.
- The Tennessee Bureau of Investigation and the Department of Safety confirm that the bill will not significantly impact their operations.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

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Jeffrey L. Spalding, Executive Director

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