

DEPARTMENT OF FINANCE BILL ANALYSIS

AMENDMENT DATE: August 2, 2010
POSITION: Neutral
SPONSOR: Los Angeles District Attorney's Office

BILL NUMBER: SB 1428
AUTHOR: F. Pavley

BILL SUMMARY: Criminal Investigation: Interception

This bill would expand the provisions relating to wiretaps to include a broader definition of electronic communications that could be subject to interception by law enforcement.

FISCAL SUMMARY

The Department of Justice notes that this would not create a fiscal impact. Finance does not anticipate any other state fiscal impact.

Any local government costs resulting from the mandate in this measure would not be state-reimbursable, because the mandate only involves the definition of a crime or the penalty for conviction of a crime.

SUMMARY OF CHANGES

Amendments to this bill since our analysis of the June 30, 2010 version are minor and do not alter our position. Amendments include the removal of the sunset date of January 1, 2014 and the specification that the bill is not intended to change the law as to stored communications or stored content.

COMMENTS

Under existing law, authorization for the interception of wire or electronic communication is authorized by a trial court judge and covers wire, electronic pager, and electronic cellular telephone communication.

This bill would delete the references to electronic pager communication and electronic cellular telephone communication and replace those references with references to "electronic communication." The bill also would make related changes to the procedure for oral approval of a written application and required reports and would specify that the bill is not intended to change the law as to stored communications or stored content.

Code/Department Agency or Revenue Type	(Fiscal Impact by Fiscal Year)								Fund Code	
	SO	(Dollars in Thousands)								
	LA	CO	PROP	FC	2010-2011	FC	2011-2012	FC		2012-2013
0820/Justice	SO	No			-----	No/Minor	Fiscal Impact	-----		0001

Analyst/Principal (0211)J. Osborn	Date	Assistant Program Budget Manager Zlatko Theodorovic	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

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