

AMENDMENTS TO SENATE BILL NO. 178

Amendment 1

In the heading, between lines 3 and 4, insert:

(Principal coauthor: Assembly Member Gatto)

Amendment 2

In the heading, in line 5, strike out "and"

Amendment 3

In the heading, in line 5, after "Ting" insert:

, and Weber

Amendment 4

On page 3, in line 22, strike out "location, or time" and insert:

or location

Amendment 5

On page 3, in line 23, after the comma insert:

the time or date the communication was created, sent, or received,

Amendment 6

On page 4, in line 4, strike out "information that is given in response", strike out lines 5 and 6 and insert:

information.

Amendment 7

On page 4, in line 8, strike out "phone" and insert:

telephone



Amendment 8

On page 4, in line 9, strike out "of an electronic", strike out lines 10 and 11 and insert:

to establish or maintain an account or communication channel,

Amendment 9

On page 4, between lines 35 and 36, insert:

(c) A government entity may access electronic device information by means of physical interaction or electronic communication with the device only as follows:

(1) In accordance with a wiretap order issued pursuant to Chapter 1.4 (commencing with Section 629.50) of Title 15 of Part 1 or in accordance with a search warrant issued pursuant to Chapter 3 (commencing with Section 1523), provided that a warrant shall not authorize accessing the contents of any electronic communication initiated after the issuance of the warrant.

(2) With the specific consent of the owner or authorized possessor of the device, when a government entity is the intended recipient of an electronic communication initiated by the owner or authorized possessor of the device.

(3) With the specific consent of the owner of the device when the device has been reported as lost or stolen.

(4) If the government entity, in good faith, believes that an emergency involving imminent danger of death or serious physical injury to any person requires access to the electronic device information.

(5) If the government entity, in good faith, believes the device to be lost, stolen, or abandoned, provided that the entity shall only access electronic device information in order to attempt to identify, verify, or contact the owner or authorized possessor of the device.

Amendment 10

On page 4, in line 36, strike out "(c)" and insert:

(d)

Amendment 11

On page 4, in line 39, after "The" insert:

warrant or

Amendment 12

On page 5, in line 4, after "The" insert:

warrant or

Amendment 13

On page 5, in line 8, after "The" insert:

warrant or

Amendment 14

On page 5, in line 12, strike out "(d)" and insert:

(e)

Amendment 15

On page 5, in line 23, strike out "(e)" and insert:

(f)

Amendment 16

On page 5, in line 27, strike out "(f)" and insert:

(g)

Amendment 17

On page 5, in line 28, strike out "(e)" and insert:

(f)

Amendment 18

On page 5, in line 39, strike out "(g)" and insert:

(h)

Amendment 19

On page 5, in line 40, after "information" insert:

, or if the government entity obtains information,

Amendment 20

On page 5, in line 40, strike out “under either Section”, on page 6, in line 1, strike out “2702(b)(8) or 2702(c)(4) of Title 18 U.S.C.,” and insert:

involving danger of death or serious physical injury to a person, that requires access to the electronic information without delay,

Amendment 21

On page 6, in line 7, strike out “emergency”, strike out line 8 and insert:

emergency.

(i) This section does not limit the authority of a governmental entity to use an administrative, grand jury, trial, or civil discovery subpoena to do either of the following:

(1) Require an originator, addressee, or intended recipient of an electronic communication to disclose any electronic communication information associated with that communication.

(2) Require an entity that provides electronic communications services to its officers, directors, employees, or agents to disclose electronic communication information associated with an electronic communication to or from an officer, director, employee, or agent of the entity.

Amendment 22

On page 6, in line 25, after “disclosed” insert:

or obtained

Amendment 23

On page 6, in lines 27 and 28, strike out “include in the application” and insert:

submit

Amendment 24

On page 6, in line 29, strike out the first “the” and insert:

any

Amendment 25

On page 6, in line 29, strike out "on whom the warrant", strike out line 30, in line 31, strike out "order." and insert:

providing information from notifying any other party that information has been sought.

Amendment 26

On page 6, in line 31, strike out "grant the request" and insert:

issue the order

Amendment 27

On page 6, in lines 32 and 33, strike out "of the existence of the warrant"

Amendment 28

On page 6, in line 34, strike out "warrant"

Amendment 29

On page 6, in line 39, strike out "warrant"

Amendment 30

On page 7, in line 3, strike out "warrant" and insert:

order authorizing delayed notification

Amendment 31

On page 7, in line 11, strike out "(4)" and insert:

(d)

Amendment 32

On page 7, in line 18, after "civil" insert a comma

Amendment 33

On page 7, between lines 29 and 30, insert:

(d) A California or foreign corporation, and its officers, employees, and agents, are not subject to any cause of action for providing records, information, facilities, or assistance in accordance with the terms of a warrant or wiretap order issued pursuant to this chapter.

Amendment 34

On page 8, in line 10, strike out "(g)" and insert:

(h)