

SENATE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY SENATOR GARDNER

Introduced: 2/4/15

Referred: State Affairs, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to a warrant requirement for searches of electronic devices."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 *** Section 1.** AS 12.35 is amended by adding a new section to read:

4 **Sec. 12.35.023. Search warrant for electronic device information.** (a)

5 Except as provided in (b) of this section, a law enforcement agency may not obtain
6 information from an electronic device without a search warrant.

7 (b) A law enforcement agency may obtain information from an electronic
8 device without a search warrant

9 (1) if the owner has reported that the electronic device has been stolen;

10 (2) if the information is necessary to respond to a request for
11 emergency services;

12 (3) if the owner or primary user of the an electronic device consents; or

13 (4) in accordance with a judicially recognized exception to a warrant
14 requirement under this chapter.

15 (c) Evidence obtained by a law enforcement agency as a result of the law

1 enforcement agency's search of an electronic device without a search warrant as
2 required under this section is not admissible in a civil, criminal, administrative, or
3 other proceeding and may not be used to show probable cause for the purpose of
4 obtaining a search warrant.

5 (d) In this section,

6 (1) "electronic communication service" has the meaning given in
7 AS 42.20.390;

8 (2) "electronic device" means a device that enables access to or use of
9 an electronic communication service, remote computing service, or location
10 information service;

11 (3) "law enforcement agency" has the meaning given in AS 12.36.090;

12 (4) "location information service" means a global positioning service
13 or other mapping, locational, or directional information service;

14 (5) "remote computing service" means computer storage or processing
15 services provided by an electronic communications system.