



*The California Chapter of the National Emergency Number Association*

Date: April 20, 2016  
TO: CALNENA Membership  
FROM: CALNENA Executive Board  
TOPIC: CALNENA Position of SB1121

The purpose of this document is to publish CALNENA's position on proposed legislation and allow the membership to weigh in on the topic.

SB1121 introduces a modifications to the existing law that restricts government entities from accessing electronic communication information or device information without a search warrant, etc. This bill would authorize a government entity, without a warrant or other order, to access electronic device information by means of physical interaction or electronic communication with the device in response to a contact made by a member of the public using a 911 emergency communications system for the purpose of accessing information concerning the location of the electronic device that initiated that contact. Existing law authorizes a service provider to voluntarily disclose electronic communication information or subscriber information. Existing law requires a government entity to destroy that information within 90 days unless one or more specified circumstances apply, including, among others, the entity has or obtains the specific consent of the sender or recipient of the electronic communications about which information was disclosed. In addition, this bill would also authorize a government entity to retain the information beyond 90 days if the service provider or subscriber is a federal, state, or local prison, jail, or juvenile detention facility, and all parties to the electronic communication were informed, prior to the communication, that the service provider may disclose the information to the entity.

The Bill was heard on 4/19/16 at a Senate Public Safety Committee, who passed the Bill as written, but first be re-referred to the Appropriations Committee with the agreed upon recommendations.

At the end of this document, you are provided a link in order to cast your vote to support this position or otherwise. **Vote collection will terminate Wednesday, April 27<sup>th</sup> at 0800.** The link for review of this bill is:

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201520160SB1121](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160SB1121)

The CALNENA Executive Board's position is NEUTRAL. While we support the modifications thus far, the following observations have been made:

- 1) The definition of "a 911 emergency communications system" is needed. At its face, it's inconclusive if this includes seven-digit numbers received by the 9-1-1 Center.
- 2) If the cell phone number is given to an officer on the scene of a call for service, who requests access, does the amended language as stated apply?
- 3) The 90 day retention may not meet prosecution timelines, in that, if the case in question is continued and surpasses the 90 days, is there a threat to this information being inadmissible during trial?
- 4) Section 3-H is modified to state that the requesting agency has three (3) court days to file a search warrant after the event. This may require local agencies to create a new workflow that addresses the filing of such a warrant. For instance, a missing juvenile who is in possession of an iPad returns home 30 minutes after accessing the electronic communication information. However, said electronic communication information wasn't used in locating the juvenile. Some agencies would not write a case report on the incident. Under the modifications in this law, it would be mandatory for, in this example, a case to be filed in order for supervisor approval and a workflow beyond that for filing the search warrant.

Should changes in the Bill be reconsidered, CALNENA would review the changes and reconsider our position.

Please cut and paste this link to your internet browser to cast your vote on this issue. **Vote collection will terminate Wednesday, April 27<sup>th</sup> at 0800.** Thank you!  
**<https://www.surveymonkey.com/r/SB1121>**