



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 90

PRINTERS NO. 1221

PRIME SPONSOR: Saccone

COST / (SAVINGS)

| FUND | FY 2012/13 | FY 2013/14 |
|--------------|------------|------------|
| General Fund | \$0 | \$0 |

SUMMARY: House Bill 90 amends the Crimes Code by adding a section on administrative subpoenas to the subchapter concerning stored wire and electronic communications and transactional records access, proposed as Section 5743.1. It would take effect immediately upon enactment.

ANALYSIS: The administrative subpoenas provided for in this legislation are for use in investigations involving the sexual exploitation or abuse of children. Such subpoenas may be issued by the Attorney General or a district attorney or a properly designated deputy attorney general or assistant district attorney. The subpoena may be issued to providers of electronic communication services or remote computing services and may require the disclosure of a subscriber or customer's name, address, telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address, which may be relevant to an authorized law enforcement inquiry. The subpoena may also require a custodian of the records of the provider to give testimony or affidavit concerning the production and authentication of the records or information.

Each district attorney in the Commonwealth must annually provide to the Attorney General information concerning all administrative subpoenas issued by that district attorney in accordance with Section 5743.1. The Attorney General must prescribe forms for the reporting of this information and must annually make a report to the Judiciary Committees of the House and Senate on the use of the administrative subpoenas. The report must contain information as described in the section.

Section 5743.1 would expire on December 31, 2017.

FISCAL IMPACT: Enactment of this legislation will have no adverse impact on Commonwealth funds. Courts may see some increased costs associated with paying

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.

subpoenaed custodians of record fees and mileage to appear in court. However, at a House Judiciary Committee hearing held on an identical bill during the 2011-12 legislative session, district attorneys and law enforcement witnesses testified that the bill will save prosecutors many hours of work locating source computers used in the sharing of child pornography or the luring of a child for sexual abuse.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: March 20, 2013

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.