
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 401 Session of
2015

INTRODUCED BY CRUZ, YOUNGBLOOD, THOMAS AND McCARTER,
FEBRUARY 9, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 2015

AN ACT

1 Requiring a government entity to obtain a search warrant prior
2 to obtaining location information of an electronic device;
3 providing for exceptions; and imposing a civil penalty.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Protecting
8 Pennsylvanians' Privacy Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Electronic communication service." A service that provides
14 users of the service with the ability to send or receive wire or
15 electronic communications.

16 "Electronic device." A device that enables access to or use
17 of an electronic communication service, remote computing service
18 or location information service.

1 "Government entity." A State or local agency, including, but
2 not limited to, a law enforcement entity or any other
3 investigative entity, agency, department, division, bureau,
4 board or commission, or an individual acting or purporting to
5 act for or on behalf of a State or local agency.

6 "Location information." Information concerning the location
7 of an electronic device that, in whole or in part, is generated
8 or derived from or obtained by the operation of an electronic
9 device.

10 "Location information service." A global positioning service
11 or other mapping, locational or directional information service.

12 "Remote computing service." Computer storage or processing
13 services provided by an electronic communications system.

14 Section 3. Location information privacy.

15 (a) General rule.--Except as provided in subsection (b), a
16 government entity may not obtain the location information of an
17 electronic device without a search warrant issued by a duly
18 authorized court.

19 (b) Exceptions.--A government entity may obtain location
20 information of an electronic device under any of the following
21 circumstances:

22 (1) The device is reported stolen by the owner.

23 (2) To respond to the user's call for emergency
24 services.

25 (3) The owner or user of the electronic device gives
26 informed, affirmative consent.

27 (4) A life-threatening situation exists.

28 Section 4. Violations.

29 Any evidence obtained in violation of this act shall not be
30 admissible in a civil, criminal or administrative proceeding and

1 shall not be used in an affidavit of probable cause in an effort
2 to obtain a search warrant.

3 Section 5. Civil penalty.

4 A violation of this act shall result in a civil fine of not
5 more than \$50.

6 Section 6. Effective date.

7 This act shall take effect in 90 days.