

**Introduced by Senator Pavley**December 22, 2010

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An act to amend Section 629.98 of the Penal Code, relating to wiretapping.

## LEGISLATIVE COUNSEL'S DIGEST

SB 61, as introduced, Pavley. Wiretapping: authorization.

Existing law establishes a procedure for the application for, and issuance of, an order authorizing the interception of a wire, electronic pager, or electronic cellular telephone communication, as those terms are defined, and, among other things, establishes additional provisions regarding those interceptions for purposes of criminal proceedings. Existing law requires the Attorney General to prepare and submit an annual report to the Legislature, the Judicial Council, and the Director of the Administrative Office of the United States Court regarding these interceptions, as specified. Existing law provides that a violation of these provisions is punishable as a misdemeanor with specified penalties, or as a felony. Existing law further provides that all of these provisions shall remain in effect until January, 1, 2012.

This bill would extend the operation of these provisions until January 1, 2015.

By extending the operation of provisions of law creating a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 629.98 of the Penal Code is amended to  
 2 read:  
 3 629.98. This chapter shall remain in effect only until January  
 4 1, ~~2012~~ 2015, and as of that date is repealed.  
 5 SEC. 2. No reimbursement is required by this act pursuant to  
 6 Section 6 of Article XIII B of the California Constitution because  
 7 the only costs that may be incurred by a local agency or school  
 8 district will be incurred because this act creates a new crime or  
 9 infraction, eliminates a crime or infraction, or changes the penalty  
 10 for a crime or infraction, within the meaning of Section 17556 of  
 11 the Government Code, or changes the definition of a crime within  
 12 the meaning of Section 6 of Article XIII B of the California  
 13 Constitution.