

AMENDED IN ASSEMBLY AUGUST 21, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 23, 2013

SENATE BILL

No. 35

Introduced by Senator Pavley

(Principal coauthor: Assembly Member Holden)

December 4, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Pavley. Wiretapping: authorization.

Existing law establishes a procedure required to be followed by a prosecutor to apply for, and the court to issue, an order authorizing law enforcement to intercept a wire or electronic communication. 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 Courts regarding these interceptions, as specified. Existing law makes a violation of these provisions punishable as a misdemeanor or as a felony. Existing law makes these provisions effective until January 1, 2015.

This bill would extend the operation of these provisions until January 1, 2020.

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 *only* remain in effect~~only~~ until
 4 January 1, 2020, and as of that date is repealed.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.