

Introduced by Senator HillFebruary 27, 2015

An act to add Article 11 (commencing with Section 53166) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, relating to communications.

LEGISLATIVE COUNSEL'S DIGEST

SB 741, as introduced, Hill. Mobile communications: privacy.

Existing law makes it a crime to manufacture, assemble, sell, advertise for sale, possess, transport, import, or furnish to another an device that is primarily or exclusively designed or intended for eavesdropping upon the communication of another, or any device that is primarily or exclusively designed or intended for the unauthorized interception of reception of communications between a cellular radio telephone, as defined, and a landline telephone or other cellular radio telephone. Existing law additionally makes it a crime to purchase, sell, offer to purchase or sell, or conspire to purchase or sell, any telephone calling pattern record or list, without the written consent of the subscriber, or to procure, obtain, attempt to obtain, or conspire to obtain, any calling pattern record or list through fraud or deceit. Existing law contains certain exemptions from these crimes for law enforcement agencies.

This bill would prohibit a local agency from acquiring or using cellular communications interception technology, as defined, unless that acquisition or use is approved by a resolution or ordinance adopted by its legislature body at a regularly scheduled public meeting of the legislative body at which members of the public are afforded a reasonable opportunity to comment. The bill would require that the resolution or ordinance set forth the policies of the local agency as to authorized uses of cellular communications interception technology,

and as to the use, protection from unauthorized disclosure, and disposal of data obtained through that technology. If the local agency maintains an Internet Web site, the bill would require the agency to conspicuously post these usage and privacy policies on that site.

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

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

1 SECTION 1. Article 11 (commencing with Section 53166) is
2 added to Chapter 1 of Part 1 of Division 2 of Title 5 of the
3 Government Code, to read:

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5 Article 11. Cellular Communications Interception

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7 53166. (a) For purposes of this article, the following terms
8 have the following meanings:

9 (1) "Cellular communications interception technology" means
10 any device that intercepts mobile telephony calling information
11 or content, including an international mobile subscriber identity
12 catcher or other virtual base transceiver station that masquerades
13 as a cellular station and logs mobile telephony calling information.

14 (2) "Local agency" means any city, county, city and county,
15 special district, authority, community redevelopment agency, or
16 other political subdivision of the state, and includes every county
17 sheriff and city police department.

18 (b) No local agency may acquire or use cellular communications
19 interception technology unless approved by its legislative body by
20 adoption of a resolution or ordinance authorizing that acquisition
21 or use.

22 (c) The legislative body of a local agency shall not approve a
23 resolution or ordinance authorizing the acquisition or use of cellular
24 communications interception technology, unless the resolution or
25 ordinance is adopted at a regularly scheduled public meeting of
26 the legislative body at which members of the public are afforded
27 a reasonable opportunity to comment upon the proposed resolution
28 or ordinance. The resolution or ordinance shall set forth the policies
29 of the local agency as to the circumstances when cellular
30 communications interception technology may be employed, and
31 usage and privacy policies, which shall include, but need not be

1 limited to, how data obtained through use of the technology is to
2 be used, protected from unauthorized disclosure, and disposed of
3 once it is no longer needed.

4 (d) If the local agency maintains an Internet Web site, the
5 cellular communications interception technology usage and privacy
6 policies shall be posted conspicuously on that site.

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