

SENATE BILL NO. 68

BY SENATOR GARY SMITH AND REPRESENTATIVE MARINO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact Code of Criminal Procedure Art. 163(C) and to enact Code of Criminal Procedure Art. 163(E), relative to search warrants; to provide relative to search warrants for data or information contained on a computer or other electronic device; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 163(C) is hereby amended and reenacted and Code of Criminal Procedure Art. 163(E) is hereby enacted to read as follows:

Art. 163. Officer to whom directed; time for execution; electronic devices

* * *

C. Except as authorized by Article 163.1 or as otherwise provided in this Article, or as otherwise provided by law, a search warrant cannot be lawfully executed after the expiration of the tenth day after its issuance.

* * *

E.(1) Notwithstanding any other provision of law to the contrary, if a warrant is issued to search for and seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic communication, or data storage device, the warrant is considered to have been executed within the time allowed in Paragraph C of this Article if the device was seized before the expiration of the time allowed, or if the device was in law enforcement custody at the time of the issuance of the warrant.

(2) Notwithstanding any other provision of law to the contrary, if a device described in Subparagraph (1) of this Paragraph was seized before the expiration of the time allowed in Paragraph C of this Article, or if the device

1 was in law enforcement custody at the time of the issuance of the warrant, any
2 data or information contained in or on the device may be recovered or extracted
3 pursuant to the warrant at any time, and such recovery or extraction shall not
4 be subject to the time limitation in Paragraph C of this Article.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____