

HOUSE BILL 1869

By Carter

AN ACT to amend Tennessee Code Annotated, Title 40,  
Chapter 6, Part 1, relative to the search and  
seizure of cellular telephones.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 6, Part 1, is amended by  
adding the following as a new section:

40-6-109

(a) As used in this section:

(1) "Cellular telephone" means a wireless telephone authorized  
by the federal communications commission to operate in the frequency  
bandwidth reserved for cellular radio telephones;

(2) "Cellular telephone data" means any data that is stored in a  
cellular telephone including telephone numbers, addresses, pictures,  
documents, texts, videos, music and any other information that is stored  
in a cellular telephone; and

(3) "Law enforcement officer" means any person authorized to  
effectuate an arrest who is employed by the state, or a county  
municipality or metropolitan form of government.

(b) No law enforcement officer shall search, examine, extract or duplicate  
any cellular telephone data, even if incident to a lawful arrest, unless the officer  
has obtained a search warrant issued pursuant to this part or Rule 41 of the  
Tennessee rules of criminal procedure.

(c) No cellular telephone data that is obtained in violation of this section may be used in any court of law or administrative board as evidence, nor may other evidence that is derived from the illegally obtained data be used as evidence in any such proceeding.

SECTION 2 . This act shall take effect July 1, 2014, the public welfare requiring it.