

SENATE BILL 1757

By Beavers

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.