

SENATE FILE NO. SF0101

Pen registers and trap and trace devices-authorization.

Sponsored by: Senator(s) Nethercott, Hutchings, Kolb and
Kost and Representative(s) Brown, Oakley and
Yin

A BILL

for

1 AN ACT relating to criminal procedure; authorizing the use
2 of pen registers and trap and trace devices for the
3 apprehension of persons suspected of felony and other
4 offenses as specified; making conforming amendments;
5 providing definitions; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 7-3-801(a) by creating a new
10 paragraph (vii) and by renumbering (vii) as (viii),
11 7-3-803(a) and (b)(ii) and 7-3-804(a) are amended to read:

12

13 **7-3-801. Definitions.**

14

15 (a) As used in this act:

1

2 (vii) "Crime of violence" means any offense that
3 has as an element the use or attempted use of physical
4 force against another person;

5

6 ~~(vii)~~(viii) "This act" means W.S. 7-3-801
7 through 7-3-806.

8

9 **7-3-803. Application for an order for a pen register**
10 **or a trap and trace device.**

11

12 (a) An attorney for the state may make application
13 for an order or an extension of an order under W.S. 7-3-804
14 authorizing the installation and use of a pen register or a
15 trap and trace device under this act, in writing under oath
16 or equivalent affirmation, to a court of competent
17 jurisdiction only for investigations of violations of the
18 Wyoming Controlled Substances Act of 1971 or when relevant
19 to assist in the apprehension of a person for whom there is
20 probable cause for that person's arrest for a felony or a
21 crime of violence.

22

1 (b) An application under subsection (a) of this
2 section shall include:

3
4 (ii) A certification by the applicant that the
5 information likely to be obtained is relevant:

6
7 (A) To an ongoing investigation of a
8 violation of the Wyoming Controlled Substances Act of 1971
9 being conducted by that agency; ~~or~~

10
11 (B) For use in the apprehension of a person
12 for whom there is probable cause for that person's arrest
13 for a felony or a crime of violence.

14
15 **7-3-804. Issuance of an order for a pen register or a**
16 **trap and trace device.**

17
18 (a) Upon an application made under W.S. 7-3-803, the
19 court shall enter an ex parte order authorizing the
20 installation and use of a pen register or a trap and trace
21 device within the state if the court finds that the
22 attorney for the state has certified to the court that the

1 information likely to be obtained by such installation and
2 use is relevant:

3

4 (i) To an ongoing investigation of a violation
5 of the Wyoming Controlled Substances Act of 1971; or

6

7 (ii) For use in the apprehension of a person for
8 whom there is probable cause for that person's arrest for a
9 felony or a crime of violence.

10

11 **Section 2.** This act is effective July 1, 2021.

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13

(END)