

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.

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

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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:

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

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15 (a) As used in this act:

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

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

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

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

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

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

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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~~

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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.

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

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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:

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

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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.

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

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(END)