

OFFICE OF THE PUBLIC DEFENDER

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TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5360

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – SEARCH WARRANTS

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender supports the purpose of House Bill 5360, which prohibits the use of a stingray device without a warrant. However, we suggest that the committee explore amendments to the bill that would enhance protections for non-targeted individuals.

A stingray device is a cell-site simulator, which mimics the signal of a cell phone tower to force all cell phones in the area to connect to the stingray instead of the nearest cell tower. Once the connection has been made, law enforcement can obtain information not only from the targeted cell phone, but of *all* cellular devices in the vicinity whose phones were diverted to the stingray device.

Stingrays are therefore powerful surveillance tools with the capability to uncover a plethora of private information in which individuals have an expectation of privacy. Indeed, the devices have an even more expansive reach than wiretaps, which the Legislature recognized as posing a special risk to privacy and enacted a comprehensive scheme governing their use. The requirement for a warrant before deploying a stingray device is a crucial safeguard against unwarranted intrusion into individuals' private lives. Yet, as the use of stingray devices poses an equal if not greater risk to privacy than wiretaps, our office suggests that an equally comprehensive scheme regarding their use should be enacted.

In conclusion, the Office of the Public Defender supports legislation that would require a warrant before deploying a stingray device but believes the proposed bill should be refined to provide greater protection against unwarranted intrusions in order to achieve the goal of striking an appropriate balance between individual privacy and law enforcement needs.

Sincerely,



Megan F. Jackson

Legislative Liaison

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