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[espc-leg] FYI: California Senate Passes Surveillance Reform

**California senate wants warrants to be required for phone searches**

<http://www.engadget.com/2015/06/04/california-warrant-phone-search-bill/>

by Mariella Moon | @mariella\_moon | June 4th 2015 at 1:13 am

The California State Senate has passed the "Leno bill," which aims to protect residents' digital privacy. Officially called Senate Bill 178, it would require authorities to secure a warrant whenever they want to search phones, laptops or other devices in California. That would effectively keep residents' text messages, emails, cloud storage, social media accounts and GPS data private unless a court issues a wiretap order, barring a few exceptions. The bill, authored by Sen. Mark Leno and Sen. Joel Anderson, has a solid list of supporters, including the EFF and major tech companies, such as Apple, Facebook, Google and Twitter.

Chris Conley, policy attorney with the American Civil Liberties Union (one of the bill's co-sponsors) explained in a statement:

Californians should be able to use smartphones, email, social networks and any other modern technology without worrying about whether their personal lives will remain private. Especially after revelations of warrantless mass surveillance by the NSA, California needs to catch up with other states across the nation, including Texas and Maine, which have already updated their privacy laws for the modern digital world.

While the bill is getting loads of support, it's also facing a lot of opposition, courtesy of California's law enforcement agencies. The state's prosecutors told lawmakers in a letter that it "undermines critical efforts to stop child exploitation, mandates the destruction of evidence by law enforcement, and violates the California Constitution." Leno clarified, however, that exceptions could be granted if asking for a warrant hampers ongoing investigation, if the device's owner grants authorities access and if searching someone's device is necessary in case of emergency involving imminent danger of death.

SB 178 still has a ways to go before it becomes a law, though. It will first have to be approved by the State Assembly this summer, before it lands in the hands of the governor. Note that Gov. Jerry Brown already vetoed a similar bill Leno authored two years ago, so the senator and his team will have to be more convincing this time around.

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