

# One Hundred Fourth Legislature - Second Session - 2016

## Introducer's Statement of Intent

### LB738

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**Chairperson: Senator Les Seiler**

**Committee: Judiciary**

**Date of Hearing: January 21, 2016**

The following constitutes the reasons for this bill and the purposes which are sought to be accomplished thereby:

Cell-site simulator technology (often referred to by the brand name StingRay) are devices that trick cell phones into revealing their location and other information to the simulator device. While StingRays hold value as a law enforcement tool, they can sweep in cell phone data from hundreds if not thousands of other phones that are not part of an investigation.

Cell-site simulators work by tricking a cell phone into thinking they are a legitimate cell phone tower. In addition to disrupting call service, a cell-site simulator can also trigger a phone, without the owner's knowledge, to connect with the simulator and provide it with access to information about and stored on the cell phone.

The tracking of people's location constitutes a significant invasion of privacy, which can reveal many things about their lives, such as what friends, doctors, protests, meetings, political activities, or religious institutions a person visits.

LB 738 imposes a general prohibition on the use of cell-site technology. Over the next few years, as the capability of the devices and specific utilities become defined, permissible uses with proper safeguards will undoubtedly emerge. While thoroughly debated and targeted exceptions to the general prohibition can be expected to be authorized by future Legislatures, the process of cautious regulation and liberty sensitive oversight needs to begin with the general prohibition set forth in this bill.

**Principal Introducer:** \_\_\_\_\_

Senator Laura Ebke