



General Assembly

January Session, 2005

**Raised Bill No. 1356**

LCO No. 4909

\*04909\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT AUTHORIZING LAW ENFORCEMENT OFFICIALS TO  
SUBPOENA TELEPHONE AND INTERNET RECORDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2005*) (a) For the purposes of  
2 this section and section 2 of this act:

3 (1) "Basic subscriber information" means: (A) Name, (B) address, (C)  
4 local and long distance telephone connection records or records of  
5 session times and durations, (D) length of service, including start date,  
6 and types of services utilized, (E) telephone or instrument number or  
7 other subscriber number or identity, including any temporarily  
8 assigned network address, and (F) means and source of payment for  
9 such service, including any credit card or bank account number;

10 (2) "Call-identifying information" means dialing or signaling  
11 information that identifies the origin, direction, destination or  
12 termination of each communication generated or received by a  
13 subscriber or customer by means of any equipment, facility or service  
14 of a telecommunications carrier;

15 (3) "Electronic communication service" means "electronic  
16 communication service" as defined in 18 USC 2510, as amended from  
17 time to time;

18 (4) "Law enforcement official" means the Chief State's Attorney, a  
19 state's attorney, the chief of police of an organized police department  
20 or the commanding officer of the state police troop having jurisdiction  
21 over a municipality without an organized local police department;

22 (5) "Remote computing service" means "remote computing service"  
23 as defined in section 18 USC 2711, as amended from time to time; and

24 (6) "Telecommunications carrier" means "telecommunications  
25 carrier" as defined in 47 USC 1001, as amended from time to time.

26 (b) A law enforcement official shall have the authority to issue a  
27 subpoena to compel (1) a telecommunications carrier to disclose call-  
28 identifying information pertaining to a subscriber or customer, or (2) a  
29 provider of electronic communication service or remote computing  
30 service to disclose basic subscriber information pertaining to a  
31 subscriber or customer, provided such law enforcement official has  
32 reasonable grounds to believe that such call-identifying or basic  
33 subscriber information is relevant and material to an ongoing criminal  
34 investigation and specifies in such subpoena the case number assigned  
35 to such investigation.

36 (c) A telecommunications carrier shall disclose call-identifying  
37 information and a provider of electronic communication service or  
38 remote computing service shall disclose basic subscriber information  
39 to a law enforcement official when such official uses a subpoena  
40 authorized by subsection (b) of this section.

41 (d) Not later than forty-eight hours after the issuance of a subpoena  
42 pursuant to subsection (b) of this section, the law enforcement official  
43 who issued such subpoena shall mail notice of the issuance of such  
44 subpoena to the subscriber or customer whose call-identifying

45 information or basic subscriber information is the subject of such  
46 subpoena, except that such notification may be delayed for a period  
47 not to exceed ninety days upon the execution of a written certification  
48 of such official that there is reason to believe that notification of the  
49 existence of the subpoena may result in (1) endangering the life or  
50 physical safety of an individual, (2) flight from prosecution, (3)  
51 destruction of or tampering with evidence, (4) intimidation of potential  
52 witnesses, or (5) otherwise seriously jeopardizing the investigation.  
53 The law enforcement official shall maintain a true copy of such  
54 certification.

55 (e) A telecommunications carrier or provider of electronic  
56 communication service or remote computing service that provides  
57 information pursuant to a subpoena issued under this section shall be  
58 compensated for the reasonable expenses incurred in providing such  
59 information.

60 (f) No cause of action shall lie against any telecommunications  
61 carrier or provider of electronic communication service or remote  
62 computing service or its officers, employees, agents or other specified  
63 persons for providing information in good faith reliance upon a  
64 subpoena issued under this section.

65 Sec. 2. (NEW) (*Effective October 1, 2005*) Not later than January  
66 fifteenth of each year, each law enforcement official shall report to the  
67 Chief State's Attorney the information required by this section with  
68 respect to each subpoena issued by such official pursuant to section 1  
69 of this act in the preceding calendar year. The Chief State's Attorney  
70 shall, based upon the reports filed by each law enforcement official  
71 and not later than January thirty-first of each year, submit a report, in  
72 accordance with the provisions of section 11-4a of the general statutes,  
73 to the joint standing committee of the General Assembly having  
74 cognizance of matters relating to criminal law and procedure  
75 concerning subpoenas issued by law enforcement officials pursuant to  
76 section 1 of this act in the preceding calendar year. The report shall

77 include the following information: (1) The number of subpoenas  
78 issued, (2) whether the entity subpoenaed was a telecommunications  
79 carrier, provider of electronic communication service or provider of  
80 remote computing service, (3) whether the information sought was  
81 call-identifying information or basic subscriber information, (4) the  
82 statutory offense or offenses that were the subject of the investigation,  
83 (5) the number of notifications that were delayed pursuant to  
84 subsection (d) of section 1 of this act, and the reason for such delayed  
85 notification, (6) the number of motions to quash a subpoena that were  
86 filed, and the number of motions granted or denied, (7) the number of  
87 investigations concluded and the final result of such investigations,  
88 and (8) the status of any criminal prosecution resulting from the  
89 investigation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section

**Statement of Purpose:**

To authorize certain law enforcement officials to issue a subpoena to a telecommunications or Internet provider for the disclosure of certain information pertaining to a subscriber or customer.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*