



Fighting for justice since 1973

California Attorneys for Criminal Justice

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March 16, 2015

Senator Loni Hancock

Chair, Senate Committee on Public Safety

State Capitol, Room 2031

Sacramento, CA 95814

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RE: SEANTE BILL 178 (Leno) – SUPPORT

Dear Senator Hancock:

California Attorneys for Criminal Justice (CACJ), a statewide association of criminal defense attorneys, writes to support SB 178 (Leno). This bill would provide substantial and important privacy protections to California residents taking into consideration the technological advances in communication options.

This bill addresses the needs highlighted in two recent court decisions, *United States v. Jones* and *Riley v. California*. The *Riley* court's holding ensures that law enforcement, except in exigent circumstances, must obtain a lawful search warrant prior to searching a detainee's cellphone at the time of arrest. In *Jones*, Justice Alito asked lawmakers to take action in addressing these privacy concerns in a way that would both take into account privacy and public safety.

This bill updates existing privacy protections to adapt for new technologies such as smart phones. Modern smart phones are owned by millions of persons. These devices not only keep records of call logs, text messages and voicemails, but also store videos, photo albums, e-mail, records of webpages visited, and provide access to social networking sites and personal calendars. Searching a cell phone, therefore, can reveal everyone a person knows, with whom he/she communicates, and what he/she discusses. This may include unveiling medical information, financial information, romantic relationships, political views, and other private information a person stores on their cell phones. These privacy protections are essential.

SB 178 will, in the majority of cases, ensure that law enforcement obtain a warrant to access a person's private information. For these reasons, CACJ regretfully oppose Senate Bill 452. If you or your staff has any questions, please feel free to contact me at the Hernandez Strategy Group, (916) 447-9719.

Respectfully,

Ignacio Hernandez
Legislative Advocate, CACJ
Hernandez Strategy Group