

1 H.602

2 Introduced by Representative Webb of Shelburne

3 Referred to Committee on

4 Date:

5 Subject: Public safety; home surveillance systems; warrant required to acquire
6 information

7 Statement of purpose of bill as introduced: This bill proposes to require a law
8 enforcement officer to obtain a warrant before acquiring information from a
9 home surveillance system unless the homeowner consents.

10 An act relating to requiring a warrant to obtain information from a home
11 surveillance system

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 20 V.S.A. chapter 208 is added to read:

14 CHAPTER 208. HOME SURVEILLANCE SYSTEMS

15 § 4661. DEFINITIONS

16 As used in this chapter:

17 (1) “Home surveillance system” means a network of integrated
18 electronic devices at a private residence that uses a camera or other appliance
19 to capture images outside the residence that can be compressed, stored, or
20 transmitted over communication networks.

1 (2) “Law enforcement agency” means:

2 (A) the Vermont State Police;

3 (B) a municipal police department;

4 (C) a sheriff’s department;

5 (D) the Office of the Attorney General;

6 (E) a State’s Attorney’s office;

7 (F) the Capitol Police Department;

8 (G) the Department of Liquor Control;

9 (H) the Department of Fish and Wildlife;

10 (I) the Department of Motor Vehicles;

11 (J) a State investigator; or

12 (K) a person or entity acting on behalf of an agency listed in this

13 subdivision (2).

14 § 4662. LAW ENFORCEMENT USE OF INFORMATION ACQUIRED

15 FROM HOME SURVEILLANCE SYSTEMS; WARRANT

16 REQUIRED

17 (a) Except as provided in subsection (b) of this section, a law enforcement
18 agency shall not use information acquired from a home surveillance system for
19 the purpose of investigating, detecting, or prosecuting crime.

20 (b) A law enforcement agency may use information acquired from a home
21 surveillance system:

1 (1) if the homeowner consents to the use of the information;

2 (2) for a purpose other than the investigation, detection, or prosecution
3 of crime, including search and rescue operations and missing persons
4 operations; or

5 (3) pursuant to:

6 (A) a warrant obtained under Rule 41 of the Vermont Rules of
7 Criminal Procedure; or

8 (B) a judicially recognized exception to the warrant requirement.

9 (c)(1) If a law enforcement agency uses information acquired from a home
10 surveillance system in exigent circumstances pursuant to subdivision (b)(3)(B)
11 of this section, the agency shall apply for a warrant for the use of the
12 information within 48 hours after the use commenced.

13 (2) If the court denies an application for a warrant filed pursuant to
14 subdivision (1) of this subsection, information or evidence gathered through
15 use of the home surveillance system shall be destroyed.

16 (d) Information or evidence gathered in violation of this section shall be
17 inadmissible in any judicial or administrative proceeding.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.