Introduced by Representative Webb of Shelburne

Referred to Committee on

Date:

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

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

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

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

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

CHAPTER 208. HOME SURVEILLANCE SYSTEMS

§ 4661. DEFINITIONS

As used in this chapter:

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

(A) the Vermont State Police;

(B) a municipal police department;

(C) a sheriff’s department;

(D) the Office of the Attorney General;

(E) a State’s Attorney’s office;

(F) the Capitol Police Department;

(G) the Department of Liquor Control;

(H) the Department of Fish and Wildlife;

(I) the Department of Motor Vehicles;

(J) a State investigator; or

(K) a person or entity acting on behalf of an agency listed in this subdivision (2).

§ 4662. LAW ENFORCEMENT USE OF INFORMATION ACQUIRED FROM HOME SURVEILLANCE SYSTEMS; WARRANT REQUIRED

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

(b) A law enforcement agency may use information acquired from a home surveillance system:
(1) if the homeowner consents to the use of the information;

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

(3) pursuant to:

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

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

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

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

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

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.