

OFFICE OF THE PUBLIC DEFENDER

160 Pine Street, Providence, Rhode Island 02903

TELEPHONE: (401) 222-3492

FAX: (401) 222-3287

EMAIL: info@ripd.org

WEBSITE: www.ripd.org

February 25, 2025

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER REGARDING:

House Bill No. 5438

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – SEARCH WARRANTS

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender recognizes the need for an established legal framework for the issuance of tracking-device warrants and therefore supports House Bill 5438. Because the evidence sought by law enforcement using tracking-device warrants is information rather than tangible property, we would suggest a minor amendment to section 12-5-3(b), which governs the return of any warrant issued under the chapter to the designated judge.

Specifically, we would urge the inclusion of the words in bold below:

Within fourteen (14) days of the issuance of any warrant under this chapter, whether or not executed, the warrant, accompanied by any supporting affidavits and an inventory of any property seized **or information obtained**, shall be returned to the district court having jurisdiction over the place of the search or . . . the court from which it was issued.

The OPD would welcome any questions about the proposed amendment to 12-5-3(b) and believes that the proposed bill along with our suggested amendment, provides a legislative framework that upholds both privacy rights and the essential functions of law enforcement.

Sincerely,



Megan F. Jackson

Legislative Liaison

Office of the Public Defender

401-222-1509

mjackson@ripd.org