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**TESTIMONY IN SUPPORT OF 19- H 5893 & 19-H 5894  
ACTS RELATING TO CRIMINAL PROCEDURE – SEARCH WARRANTS  
April 2, 2019**

The ACLU is supportive of both H 5893 and H 5894, which would require a government entity or law enforcement to obtain a warrant before searching an electronic device or being disclosed electronic communications from an electronic communication service.

Courts have already upheld the need for a warrant before searching the contents of a personal electronic device, and H 5893 would simply codify this into state law. H 5894 would guarantee another critical step of due process by ensuring that the communications which arise from a communication device cannot be obtained and searched themselves without probable cause.

The use of cell phones and other electronic devices greatly extends beyond person-to-person communicative function. Many individuals use their devices to access personal data, such as financial or medical information, and could also possess potentially private information about others. As such, the ability for law enforcement and other government entities to view and search through sensitive materials should be restricted to cases in which probable cause has been established and a search warrant has been issued. This is a fundamental component of the right to privacy and due process.

Thank you for your consideration.