

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-4435/P1dn
CTS:jld:jf

January 20, 2006

Representative Montgomery:

This is a preliminary draft based on the sample language you provided. Please review it carefully to ensure it is consistent with your intent and note the following:

1. I have assumed it is your intent to include records pertaining to both "land line" customers and mobile (cellular) customers. Is this correct?
2. In the penalty section, this draft references the felony classifications that authorize terms of imprisonment closest to the penalties included in the sample language. Please review the penalty provisions closely.
3. This draft does not contain the legislative intent statement contained in the sample language. Long-standing LRB policy frowns on statements of legislative intent, because we cannot be sure of their legal effect. We would much rather state clearly the legal effect that the legislature intends rather than have a court infer a legal effect that the legislature did not intend.
4. I have assumed that the provisions in this draft should be administered and enforced by DATCP. Is this correct?
5. Should the draft contain a delayed effective date to ensure a measure of notice of the provisions of the draft?

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