

By: Jetton

H.B. No. 2820

A BILL TO BE ENTITLED

AN ACT

relating to the procedures for access to certain location information by certain law enforcement agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 18B.322(c), Code of Criminal Procedure, is amended to read as follows:

(c) The application must be filed with a district judge in the applicable judicial district on:

(1) the prosecutor's or assistant's own motion; or

(2) the request of:

(A) an authorized peace officer of:

(i) a designated law enforcement office or agency; or

(ii) the sheriff's department of a county with a population of 800,000 or more adjacent to a county with a population of 3.3 million or more; or

(B) an authorized peace officer commissioned by the department.

SECTION 2. Article 18B.325(a), Code of Criminal Procedure, is amended to read as follows:

(a) An authorized peace officer described by Article 18B.322(c)(2)(A) or (B) [~~of a designated law enforcement office or agency or an authorized peace officer commissioned by the department~~] may, without a warrant, require the disclosure of

1 location information described by Article 18B.321(a) if:

2 (1) the officer reasonably believes an immediate  
3 life-threatening situation exists that:

4 (A) is within the officer's territorial  
5 jurisdiction; and

6 (B) requires the disclosure of the location  
7 information before a warrant can, with due diligence, be obtained  
8 under this subchapter; and

9 (2) there are sufficient grounds under this subchapter  
10 on which to obtain a warrant requiring the disclosure of the  
11 location information.

12 SECTION 3. This Act takes effect September 1, 2023.