

Amend CSSB 11 (Senate committee printing) as follows:

(1) Add the following appropriately numbered SECTIONS to Article 7 of the bill:

SECTION 7.____. Section 1(1), Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(1) "Wire communication" means an aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception, including the use of such a connection in a switching station, furnished or operated by a person authorized to engage in providing or operating the facilities for the transmission of communications as a communications common carrier. ~~[The term includes the electronic storage of a wire communication.]~~

SECTION 7.____. Section 1(5), Article 18.21, Code of Criminal Procedure, is amended to read as follows:

(5) "Mobile tracking device" means an electronic or mechanical device that permits tracking the movement of a person, vehicle, container, item, or object. ~~[The term does not include a device designed, made, adapted, or capable of:~~

~~[(A) intercepting the content of a communication, or~~

~~[(B) functioning as a pen register, ESN reader, trap and trace device, or similar equipment.]~~

SECTION 7.____. The change in law made by this article to Article 18.21, Code of Criminal Procedure, applies only to an application for an order authorizing the installation and use of a mobile tracking device that is submitted on or after the effective date of this article. An application that was submitted before the effective date of this article is covered by the law in effect on the date the application was submitted, and the former law is continued in effect for that purpose.

(2) In SECTION 7.02 (page 9, line 16), strike "The change in law made by this article applies" and substitute "The change in law made by this article to Article 18.20, Code of Criminal Procedure, applies".

(3) Renumber subsequent SECTIONS of the article

accordingly.