

BILL ANALYSIS

H.B. 1891
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Generally, a law enforcement officer has three days to execute a certain type of search warrant signed by a judge. In cases that rely on digital evidence, such as child pornography, officers usually seize computers when executing a search warrant. In such cases, it can take weeks or even months to fully analyze a computer or electronic storage device that has been seized to collect the contraband evidence. H.B. 1891 seeks to provide law enforcement sufficient time to search for digital evidence that is stored on a computer or other electronic storage device that has been lawfully seized as a result of a search warrant.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1891 amends the Code of Criminal Procedure to establish that a warrant is considered to have been executed within the time allowed under provisions of law if the warrant is issued to search for and to seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic, communication, or data storage device and the device was seized before the expiration of the time allowed. The bill authorizes any data or information contained in or on a device seized to be recovered and to be analyzed after the expiration of the time allowed.

EFFECTIVE DATE

September 1, 2011.