

By: S. Davis of Harris, et al.

H.B. No. 1891

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the execution of a search warrant for data or
3 information contained in or on certain devices.

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

5 SECTION 1. Article 18.07, Code of Criminal Procedure, is
6 amended by adding Subsection (c) to read as follows:

7 (c) If a warrant is issued to search for and seize data or
8 information contained in or on a computer, disk drive, flash drive,
9 cellular telephone, or other electronic, communication, or data
10 storage device, the warrant is considered to have been executed
11 within the time allowed under Subsection (a) if the device was
12 seized before the expiration of the time allowed. Notwithstanding
13 any other law, any data or information contained in or on a device
14 seized may be recovered and analyzed after the expiration of the
15 time allowed under Subsection (a).

16 SECTION 2. The change in law made by this Act applies only
17 to a warrant issued on or after the effective date of this Act. A
18 warrant issued before the effective date of this Act is governed by
19 the law in effect on the date the warrant was issued, and the former
20 law is continued in effect for that purpose.

21 SECTION 3. This Act takes effect September 1, 2011.