

1-1 By: S. Davis of Harris, et al. H.B. No. 1891
1-2 (Senate Sponsor - Huffman)
1-3 (In the Senate - Received from the House April 11, 2011;
1-4 April 20, 2011, read first time and referred to Committee on
1-5 Criminal Justice; May 19, 2011, reported favorably by the
1-6 following vote: Yeas 7, Nays 0; May 19, 2011, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the execution of a search warrant for data or
1-10 information contained in or on certain devices.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 18.07, Code of Criminal Procedure, is
1-13 amended by adding Subsection (c) to read as follows:

1-14 (c) If a warrant is issued to search for and seize data or
1-15 information contained in or on a computer, disk drive, flash drive,
1-16 cellular telephone, or other electronic, communication, or data
1-17 storage device, the warrant is considered to have been executed
1-18 within the time allowed under Subsection (a) if the device was
1-19 seized before the expiration of the time allowed. Notwithstanding
1-20 any other law, any data or information contained in or on a device
1-21 seized may be recovered and analyzed after the expiration of the
1-22 time allowed under Subsection (a).

1-23 SECTION 2. The change in law made by this Act applies only
1-24 to a warrant issued on or after the effective date of this Act. A
1-25 warrant issued before the effective date of this Act is governed by
1-26 the law in effect on the date the warrant was issued, and the former
1-27 law is continued in effect for that purpose.

1-28 SECTION 3. This Act takes effect September 1, 2011.

1-29 * * * * *