

1-1 By: Carona, et al. S.B. No. 1843  
1-2 (In the Senate - Filed March 11, 2011; March 24, 2011, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 May 10, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; May 10, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1843 By: Carona  
1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to investigations of certain offenses involving the  
1-11 Internet-based sexual exploitation of a minor; creating the  
1-12 Internet crimes against children account to support those  
1-13 activities.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-15 SECTION 1. This Act shall be known as Alicia's Law.  
1-16 SECTION 2. Subtitle B, Title 4, Government Code, is amended  
1-17 by adding Chapter 422 to read as follows:

1-18 CHAPTER 422. INTERNET-BASED SEXUAL EXPLOITATION OF MINOR  
1-19 Sec. 422.001. DEFINITION. In this chapter, "ICAC task  
1-20 force" means an Internet Crimes Against Children task force that  
1-21 is:

- 1-22 (1) located in this state; and
- 1-23 (2) recognized by the United States Department of

1-24 Justice.

1-25 Sec. 422.002. INTERNET CRIMES AGAINST CHILDREN ACCOUNT.  
1-26 (a) The Internet crimes against children account is an account in  
1-27 the general revenue fund.

1-28 (b) The account consists of:

- 1-29 (1) money transferred by the legislature directly to
- 1-30 the account; and
- 1-31 (2) gifts, grants, or donations.

1-32 (c) Interest earned on the account shall be credited to the  
1-33 account.

1-34 (d) Section 403.095 does not apply to the account.

1-35 (e) Money in the account may be appropriated only to support  
1-36 the administration and activities of an ICAC task force.

1-37 (f) Any money in the account that is appropriated in a state  
1-38 fiscal year under Subsection (e) shall be appropriated in equal  
1-39 amounts to each ICAC task force.

1-40 Sec. 422.003. ADMINISTRATIVE SUBPOENA. (a) The attorney  
1-41 general shall assist persons authorized under this section in  
1-42 obtaining administrative subpoenas to investigate and prosecute  
1-43 offenses that involve the Internet-based sexual exploitation of a  
1-44 minor.

1-45 (b) A prosecuting attorney or an officer of an ICAC task  
1-46 force may issue and cause to be served an administrative subpoena  
1-47 that requires the production of records or other documentation as  
1-48 described by Subsection (d) if:

1-49 (1) the subpoena relates to an investigation of an  
1-50 offense that involves the sexual exploitation of a minor; and

1-51 (2) there is reasonable cause to believe that an  
1-52 Internet or electronic service account provided through an  
1-53 electronic communication service or remote computing service has  
1-54 been used in the sexual exploitation or attempted sexual  
1-55 exploitation of the minor.

1-56 (c) A subpoena under Subsection (b) must:

- 1-57 (1) describe any objects or items to be produced; and
- 1-58 (2) prescribe a reasonable return date by which those

1-59 objects or items must be assembled and made available.  
1-60 (d) Except as provided by Subsection (e), a subpoena issued  
1-61 under Subsection (b) may require the production of any records or  
1-62 other documentation relevant to the investigation, including:

- 1-63 (1) a name;

- 2-1 (2) an address;
- 2-2 (3) a local or long distance telephone connection
- 2-3 record, satellite-based Internet service provider connection
- 2-4 record, or record of session time and duration;
- 2-5 (4) the duration of the applicable service, including
- 2-6 the start date for the service and the type of service used;
- 2-7 (5) a telephone or instrument number or other number
- 2-8 used to identify a subscriber, including a temporarily assigned
- 2-9 network address; and
- 2-10 (6) the source of payment for the service, including a
- 2-11 credit card or bank account number.

2-12 (e) A provider of an electronic communication service or  
 2-13 remote computing service may not disclose the following information  
 2-14 in response to a subpoena issued under Subsection (b):

- 2-15 (1) an in-transit electronic communication;
- 2-16 (2) an account membership related to an Internet
- 2-17 group, newsgroup, mailing list, or specific area of interest;
- 2-18 (3) an account password; or
- 2-19 (4) any account content, including:
  - 2-20 (A) any form of electronic mail;
  - 2-21 (B) an address book, contact list, or buddy list;
  - 2-22 (C) a financial record;
  - 2-23 (D) Internet proxy content or Internet history;

2-24 or

2-25 (E) a file or other digital document stored in  
 2-26 the account or as part of the use of the account.

2-27 (f) A provider of an electronic communication service or  
 2-28 remote computing service shall disclose the information described  
 2-29 by Subsection (e) if that disclosure is required by court order.

2-30 (g) A person authorized to serve process under the Texas  
 2-31 Rules of Civil Procedure may serve a subpoena issued under  
 2-32 Subsection (b). The person shall serve the subpoena in accordance  
 2-33 with the Texas Rules of Civil Procedure.

2-34 (h) Before the return date specified on a subpoena issued  
 2-35 under Subsection (b), the person receiving the subpoena may, in an  
 2-36 appropriate court located in the county where the subpoena was  
 2-37 issued, petition for an order to modify or quash the subpoena or to  
 2-38 prohibit disclosure of applicable information by a court.

2-39 (i) If a criminal case or proceeding does not result from  
 2-40 the production of records or other documentation under this section  
 2-41 within a reasonable period, the prosecuting attorney or ICAC task  
 2-42 force shall, as appropriate:

- 2-43 (1) destroy the records or documentation; or
- 2-44 (2) return the records or documentation to the person
- 2-45 who produced the records or documentation.

2-46 Sec. 422.004. CONFIDENTIALITY OF INFORMATION. Any  
 2-47 information, records, or data reported or obtained under a subpoena  
 2-48 issued under Section 422.003(b):

- 2-49 (1) is confidential; and
- 2-50 (2) may not be disclosed to any other person unless the
- 2-51 disclosure is made as part of a criminal case related to those
- 2-52 materials.

2-53 SECTION 3. This Act takes effect September 1, 2011.

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