

Amend CSHB 2268 (house committee printing) by striking SECTION 6 of the bill (page 5, line 1 through page 7, line 13) and substituting the following:

SECTION 6. Section 4, Article 18.21, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. REQUIREMENTS FOR GOVERNMENT ACCESS TO STORED COMMUNICATIONS. (a) An authorized peace officer may require a provider of electronic communications service or a provider of a remote computing service to disclose electronic customer data [~~the contents of a wire communication or an electronic communication~~] that has been in electronic storage [~~for not longer than 180 days~~] by obtaining a warrant under Section 5A.

(b) [~~An authorized peace officer may require a provider of electronic communications service to disclose the contents of a wire communication or an electronic communication that has been in electronic storage for longer than 180 days.~~

[~~(1) if notice is not being given to the subscriber or customer, by obtaining a warrant,~~

[~~(2) if notice is being given to the subscriber or customer, by obtaining:~~

[~~(A) an administrative subpoena authorized by statute,~~

[~~(B) a grand jury subpoena, or~~

[~~(C) a court order issued under Section 5 of this article, or~~

[~~(3) as otherwise permitted by applicable federal law.~~

[~~(c)(1) An authorized peace officer may require a provider of a remote computing service to disclose the contents of a wire communication or an electronic communication as described in Subdivision (2) of this subsection.~~

[~~(A) if notice is not being given to the subscriber or customer, by obtaining a warrant issued under this code,~~

[~~(B) if notice is being given to the subscriber or customer, by:~~

[~~(i) an administrative subpoena authorized by statute,~~

~~[(ii) a grand jury subpoena, or~~

~~[(iii) a court order issued under Section 5 of this article, or~~

~~[(C) as otherwise permitted by applicable federal law.~~

~~[(2) Subdivision (1) of this subsection applies only to a wire communication or an electronic communication that is in electronic storage:~~

~~[(A) on behalf of a subscriber or customer of the service and is received by means of electronic transmission from or created by means of computer processing of communications received by means of electronic transmission from the subscriber or customer, and~~

~~[(B) solely for the purpose of providing storage or computer processing services to the subscriber or customer if the provider of the service is not authorized to obtain access to the contents of those communications for purposes of providing any service other than storage or computer processing.~~

~~[(d) An authorized peace officer may require a provider of remote computing service to disclose records or other information pertaining to a subscriber or customer of the service, other than communications described in Subsection (c) of this section, without giving the subscriber or customer notice:~~

~~[(1) by obtaining an administrative subpoena authorized by statute,~~

~~[(2) by obtaining a grand jury subpoena,~~

~~[(3) by obtaining a warrant,~~

~~[(4) by obtaining the consent of the subscriber or customer to the disclosure of the records or information,~~

~~[(5) by obtaining a court order under Section 5 of this article, or~~

~~[(6) as otherwise permitted by applicable federal law.~~

~~[(e)]~~ A provider of telephonic communications service shall disclose to an authorized peace officer, without any form of legal process, subscriber listing information, including name, address, and telephone number or similar access code that:

(1) the service provides to others in the course of

providing publicly available directory or similar assistance; or

(2) is solely for use in the dispatch of emergency vehicles and personnel responding to a distress call directed to an emergency dispatch system or when the information is reasonably necessary to aid in the dispatching of emergency vehicles and personnel for the immediate prevention of death, personal injury, or destruction of property.

(c) [~~(f)~~] A provider of telephonic communications service shall provide an authorized peace officer with the name of the subscriber of record whose published telephone number is provided to the service by an authorized peace officer.