

Amend CSSB 1052 (Senate Committee Printing) as follows:

(1) In SECTION 1 of the bill, in added Article 18.02(a)(13), Code of Criminal Procedure (page 1, line 57), strike "or" and substitute ", including".

(2) In SECTION 4 of the bill, strike the text of amended Section 1(20), Article 18.20, Code of Criminal Procedure (page 2, lines 29 through 38), and substitute the following:

(20) "Electronic storage" means any storage of electronic customer data in a computer, computer network, or computer system, regardless of whether the data is subject to recall, further manipulation, deletion, or transmission, and includes any[+

~~[(A) a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication; or~~

~~[(B)] storage of a wire or electronic communication by an electronic communications service or a remote computing service [for purposes of backup protection of the communication].~~

(3) In SECTION 6 of the bill, in amended Sections 4(b)(2)(C) and (c)(1)(B)(iii), Article 18.21, Code of Criminal Procedure (page 3, lines 11 and 12 and line 27), strike "of this article" and substitute "~~[of this article]~~".

(4) In SECTION 6 of the bill, strike the text of amended Section 4(d), Article 18.21, Code of Criminal Procedure (page 3, lines 43 through 56), and substitute the following:

(d) 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 not otherwise described by ~~[records or other information pertaining to a subscriber or customer of the service, other than communications described in Subsection (c) of]~~ this section[~~7~~] 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 under Section 5A;

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

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

(6) as otherwise permitted by applicable federal law.