

Amend CSSB 1052 (Senate Committee Printing) in SECTION 7 of the bill as follows:

(1) In added Section 5A, Article 18.21, Code of Criminal Procedure (page 3, line 60, through page 4, line 10), strike Subsections (a) and (b) of the section, substitute the following, and redesignate cross-references and subsequent subsections of the section accordingly:

(a) This section applies to a warrant required under Section 4 to obtain electronic customer data, including the contents of a wire communication or electronic communication.

(b) On the filing of an application by an authorized peace officer, a district judge may issue a search warrant under this section for electronic customer data held in electronic storage, including the contents of and records and other information related to a wire communication or electronic communication held in electronic storage, by a provider of an electronic communications service or provider of a remote computing service described by Subsection (g), regardless of whether the customer data is held at a location in this state or at a location in another state. An application made under this subsection must demonstrate probable cause for the issuance of the warrant and must be supported by the oath or affirmation of the authorized peace officer.

(c) A search warrant may not be issued under this section unless the sworn affidavit required by Article 18.01(b) sets forth sufficient and substantial facts to establish probable cause that:

(1) a specific offense has been committed; and

(2) the electronic customer data sought:

(A) constitutes evidence of that offense or evidence that a particular person committed that offense; and

(B) is held in electronic storage by the service provider on which the warrant is served under Subsection (h).

(d) Only the electronic customer data described in the sworn affidavit required by Article 18.01(b) may be seized under the warrant.

(e) A warrant issued under this section shall run in the name of "The State of Texas."

(f) Article 18.011 applies to an affidavit presented under

Article 18.01(b) for the issuance of a warrant under this section, and the affidavit may be sealed in the manner provided by that article.

(2) In added Section 5B, Article 18.21, Code of Criminal Procedure (page 5, lines 13 and 15), redesignate the cross-references to Sections 5A(a) and (c) as Sections 5A(b) and (g), respectively.