

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 23, 2013**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB1608** by Hughes (Relating to warrants or orders issued to obtain location information from wireless communications devices and to public access to law enforcement or prosecutor requests for certain related location or communication information.),  
**Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to allow a law enforcement agency to apply for a warrant to obtain location information. The bill defines location information as information that concerns the location of a cell phone or other wireless communication device that is wholly or partly generated or derived from the operation of the device.

A district judge would be allowed to issue a warrant for location information on the application of a peace officer. A warrant issued under the provisions of the bill would expire 90 days after being issued, and the judge would be allowed to grant an additional 90-day extension for good cause. A device could be monitored without a warrant if either the device is reported stolen by the owner or if an immediate life-threatening situation exists.

The bill would also provide for certain warrant request reports to be filed with the Department of Public Safety (DPS) by courts and prosecutors. DPS would then be required to summarize these reports and file them with the Governor, Lieutenant Governor, Speaker of the House, and the chairs of the Legislature's standing committees by June 1st of each year.

It is anticipated that any additional workload for state agencies can be absorbed within existing resources.

**Local Government Impact**

Additional workload for local courts would vary depending on the number of applicable search warrants and orders; however, fiscal impact to local governments is not anticipated to be significant.

**Source Agencies:** 696 Department of Criminal Justice

**LBB Staff:** UP, ESj, SD, KKR