

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 7, 2015

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2263 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.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to permit the issuance of a search warrant to search for and seize location information that concerns the location of a cellular telephone or other wireless communications device and is generated by or derived from the operation of the device. The bill would permit a court to seal an application and order for a period of 180 day to permanently, depending on the circumstances. The bill permits and prescribes guidelines for a district judge to issue a warrant for obtaining location information provided by a mobile tracking feature. The bill permits and prescribes guidelines for obtaining location information from a wireless communication device without a warrant under certain circumstances. Under the provisions of the bill, a court would be permitted to issue a search warrant to a communications carrier to compel the production of business records disclosing customer location information. The bill would prescribe reporting requirements for courts, prosecutors and the Department of Public Safety (DPS). Under the provisions of the bill, a court and prosecutor would be required to submit certain information to DPS and DPS would be required to compile information and submit a report to the Governor, Lieutenant Governor, and other legislative leadership.

Local Government Impact

There could be costs associated with the reporting requirements of the bill; however, these costs would depend on the number of warrants issued and the resources of each local government entity.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, KJo, SD, EK, JAW, JN