

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

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**April 29, 2015**

**TO:** Honorable Allen Fletcher, Chair, House Committee on Emerging Issues In Texas Law Enforcement, Select

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

**IN RE: HB3165** by Bohac (Relating to warrants issued to obtain cell site information through the use of a cell site simulator device; public access to certain information relating to investigatory equipment; creating criminal offenses.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure, the Government Code, and the Penal Code to authorize a search warrant for cell site information. The bill defines cell site information and would authorize a district judge to issue a warrant to a peace officer for the use of a cell site simulator device to obtain cell site information. The bill would establish provisions for this search warrant and would prohibit the possession or operation of a cell site simulator device other than by law enforcement agencies. The bill would prohibit the state from refusing to provide a defendant with information obtained under a warrant for cell site information that was otherwise discoverable. The bill would establish that information regarding the possession of investigatory equipment by a law enforcement or criminal justice agency is public information and would create a felony offense by installing or using a cell site simulator device to obtain cell site information with certain affirmative defenses provided.

Based on the analysis of the Office of Court Administration and the Department of Public Safety, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. This analysis assumes the provisions of the bill would not result in a significant impact on state correctional agencies.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

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

**LBB Staff:** UP, ESi, GDz, KVe, JAW, LM