

Amend **HB 29** (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Article 24A.001, Code of Criminal Procedure, is amended to read as follows:

Art. 24A.001. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a subpoena, search warrant, or other court order that:

(1) relates to the investigation or prosecution of a criminal offense under:

(A) Section 21.02, 21.11, 22.011, or 22.021, Penal Code;

(B) Chapter 20A, Penal Code;

(C) Section 33.021, Penal Code; or

(D) Chapter 43, Penal Code; and

(2) is served on or issued with respect to an online [~~Internet~~] service provider that provides service in this state.

SECTION _____. Subchapter A, Chapter 24A, Code of Criminal Procedure, is amended by adding Article 24A.0015 to read as follows:

Art. 24A.0015. DEFINITION. In this chapter, "online service provider" means an Internet service provider, search engine, web hosting company, web browsing company, manufacturer of devices providing online application platforms, or company providing online social media platforms.

SECTION _____. Articles 24A.002(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (b), not later than the 10th day after the date on which an online [~~Internet~~] service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the online [~~Internet~~] service provider shall:

(1) fully comply with the subpoena, warrant, or order;
or

(2) petition a court to excuse the online [~~Internet~~] service provider from complying with the subpoena, warrant, or order.

(b) As soon as is practicable, and in no event later than the second business day after the date the online [~~Internet~~] service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the online [~~Internet~~] service provider shall fully comply with the subpoena, search warrant, or order if the subpoena, search warrant, or order indicates that full compliance is necessary to address a situation that threatens a person with death or other serious bodily injury.

SECTION _____. Article 24A.003, Code of Criminal Procedure, is amended to read as follows:

Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An online [~~Internet~~] service provider that disobeys a subpoena, search warrant, or other court order described by Article 24A.001 and that was not excused from complying with the subpoena, warrant, or order under Article 24A.002(a)(2) may be punished in any manner provided by law.

SECTION _____. Article 24A.051, Code of Criminal Procedure, is amended to read as follows:

Art. 24A.051. PRESERVING INFORMATION. (a) On written request of a law enforcement agency in this state or a federal law enforcement agency and pending the issuance of a subpoena or other court order described by Article 24A.001, an online [~~Internet~~] service provider that provides service in this state shall take all steps necessary to preserve all records or other potential evidence in a criminal trial that is in the possession of the online [~~Internet~~] service provider.

(b) Subject to Subsection (c), an online [~~Internet~~] service provider shall preserve information under Subsection (a) for a period of 90 days after the date the online [~~Internet~~] service provider receives the written request described by Subsection (a).

(c) An online [~~Internet~~] service provider shall preserve information under Subsection (a) for the 90-day period immediately following the 90-day period described by Subsection (b) if the requesting law enforcement agency in writing requests an extension of the preservation period.

SECTION _____. The change in law made by this Act to Chapter

24A, Code of Criminal Procedure, applies only to a subpoena, search warrant, or other court order issued on or after the effective date of this Act. A subpoena, search warrant, or other court order issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.