

By: Thompson of Harris

H.B. No. 1392

A BILL TO BE ENTITLED

AN ACT

relating to the use of an electronic recovery and access to data prepaid card reader to seize forfeitable property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 59, Code of Criminal Procedure, is amended by adding Article 59.035 to read as follows:

Art. 59.035. SEIZURE OF MONEY BY ELECTRONIC RECOVERY AND ACCESS TO DATA PREPAID CARD READER PROHIBITED. (a) In this article:

(1) "Debit card" has the meaning assigned by Section 502.001, Business & Commerce Code.

(2) "Electronic recovery and access to data prepaid card reader" means a handheld device that uses wireless connectivity to check the balance of a debit card or stored value card.

(3) "Stored value card" has the meaning assigned by Section 604.001, Business & Commerce Code.

(b) A law enforcement agency may not use an electronic recovery and access to data prepaid card reader to seize from a stored value card or a depository account funds that are subject to forfeiture under this chapter unless the seizure is authorized by a search or seizure warrant.

SECTION 2. This Act takes effect September 1, 2017.