

BILL ANALYSIS

H.B. 353
By: Blanco
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that the use of cell site information by law enforcement agencies as a way of tracking a suspect may present a unique balancing act between personal privacy and law enforcement productivity. H.B. 353 provides for law enforcement access to cell site information through the issuance of a search warrant as a means of answering concerns regarding potential infringement on the privacy of Texans.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 353 amends the Code of Criminal Procedure to include cell site information among the electronic customer data held in electronic storage for which a search warrant may be issued. The bill defines "cell site information," for purposes of statutory provisions relating to the installation and use of tracking equipment and access to electronic or wire communications, as information that reveals the location of a cellular telephone or other wireless communications device and that is derived from the device's connections to radio antennas through which a provider of an electronic communications service or provider of a remote computing service provides wireless service to that device. The bill includes cell site information among the data or records contained within "electronic customer data" for such purposes.

EFFECTIVE DATE

September 1, 2019.