

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 17, 2019

TO: Honorable Nicole Collier, Chair, House Committee on Criminal Jurisprudence

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB352 by Blanco (Relating to warrants issued to obtain cell site information through the use of a cell site simulator device and to public access to certain information relating to investigatory equipment; creating a criminal offense.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by allowing a district judge to issue a warrant for the use of a cell site simulator device to obtain cell site information from a cellular telephone or other wireless communication device under certain legal conditions. The bill would allow a peace officer to obtain cell site information through a cell site simulator device without a warrant if the phone is reported stolen or if an immediate, life-threatening situation exists within territorial jurisdiction. The bill would prohibit certain government use of a simulator device to assist other state or federal government agencies and requires law enforcement to adopt a written policy for the deletion of certain information collected from a device.

The bill would amend the Government Code by making information regarding the purchase, sale, receipt, possession, or use of investigatory equipment by law enforcement or a state agency subject to public disclosure.

The bill would amend the Penal Code by making a state jail felony offense for a person to use a cell site simulator device to obtain cell site information or to knowingly obtain or use this information to assist or support law enforcement.

Based on the analysis of the Office of Court Administration, the Office of the Attorney General, the Department of Public Safety, and Commission on Law Enforcement, duties and responsibilities associated with implementing the provisions of the bill could be accomplished using existing resources.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies. Additional information can be found in the criminal justice impact statement.

The bill would take effect September 1, 2019.

Local Government Impact

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

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 405 Department of Public Safety, 407 Commission on Law Enforcement

LBB Staff: WP, LBO, MW, DA, JPo, AF, SMi