87R778 JCG-D

By:  Sherman, Sr. H.B. No. 356

A BILL TO BE ENTITLED

AN ACT

relating to the requirements of an affidavit supporting the installation and use of a mobile tracking device.

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

SECTION 1.  Article 18B.202(c), Code of Criminal Procedure, is amended to read as follows:

(c)  The affidavit must:

(1)  state the name, department, agency, and address of the applicant;

(2)  identify the vehicle, container, or item to which, in which, or on which the mobile tracking device is to be attached, placed, or otherwise installed;

(3)  state the name of the owner or possessor of the vehicle, container, or item identified under Subdivision (2);

(4)  state the judicial jurisdictional area in which the vehicle, container, or item identified under Subdivision (2) is expected to be found; and

(5)  state the facts and circumstances that provide the applicant with probable cause to believe [~~a reasonable suspicion~~] that:

(A)  criminal activity has been, is, or will be committed; and

(B)  the installation and use of a mobile tracking device is likely to produce information that is material to an ongoing criminal investigation of that criminal activity.

SECTION 2.  This Act takes effect September 1, 2021.