By:  West S.B. No. 112

(In the Senate - Filed November 9, 2020; March 3, 2021, read first time and referred to Committee on Criminal Justice; April 21, 2021, reported favorably by the following vote: Yeas 7, Nays 0; April 21, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols         X

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.

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