

By: Sherman, Sr.

H.B. No. 356

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the requirements of an affidavit supporting the  
3 installation and use of a mobile tracking device.

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

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

7 (c) The affidavit must:

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

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

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

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

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

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

23 (B) the installation and use of a mobile tracking  
24 device is likely to produce information that is material to an

1 ongoing criminal investigation of that criminal activity.

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