

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

May 17, 2021

TO: Honorable James White, Chair, House Committee on Homeland Security & Public Safety

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: SB112 by West (Relating to the procedures for the installation and use of tracking equipment and for access to certain communications and location information by law enforcement and the admissibility of certain evidence obtained through those procedures.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to provide that a warrant is required to obtain the disclosure of location information that is held in electronic storage in the possession, care, custody, or control of an electronic communications service or provider of remote computing services and was created after the issuance of the warrant.

The bill would amend the Code of Criminal Procedure to increase the burden of proof, from reasonable suspicion to probable cause to believe, needed to obtain a court order authorizing the installation and use of a mobile tracking device.

Based on the analysis of the Office of Court Administration, the Office of the Attorney General, and the Secretary of State, it is assumed that duties and responsibilities associated with implementing the bill could be accomplished utilizing existing resources. In addition, no significant fiscal impact to the state court system is anticipated with the implementation of the bill.

This analysis assumes implementing the provisions of the bill would not result in a significant impact on state correctional populations or on the demand for state correctional resources.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 405 Department of Public Safety

LBB Staff: JMc, DKN, BH, MW