

## **BILL ANALYSIS**

C.S.H.B. 779  
By: Vasut  
Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Current law allows statutory county court judges to issue search warrants. However, it is unclear if statutory county court judges can also issue subsequent search warrants or warrants for cellular telephones or other wireless communications devices. C.S.H.B. 779 clarifies the law to authorize such a judge to issue subsequent search warrants and warrants for wireless communications devices.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 779 amends the Code of Criminal Procedure to authorize a judge of a statutory county court to issue a subsequent search warrant to search the same person, place, or thing subjected to a prior search for property or items constituting evidence of an offense or tending to show that a person committed an offense. The bill authorizes a judge of a statutory county court to issue a warrant for access to a cellular telephone or other wireless communications device in the same judicial district as the site of either:

- the law enforcement agency that employs the peace officer possessing the applicable wireless communications device; or
- the likely location of the device.

C.S.H.B. 779 applies only to a search warrant issued on or after the bill's effective date.

### **EFFECTIVE DATE**

September 1, 2023.

### **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 779 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the judge authorized to issue a warrant for access to a cellular telephone or other wireless communications device from a judge of a statutory county court in the same

county as the site of the likely location of the device or applicable law enforcement agency, as in the introduced, to a judge of a statutory county court in the same judicial district as that site.

The substitute includes a provision absent from the introduced that makes the bill's provisions applicable only to a search warrant issued on or after the bill's effective date.