

BILL ANALYSIS

C.S.S.B. 816
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The bill sponsor has informed the committee that current Texas tracking statutes constrain law enforcement's ability to obtain electronic customer data in urgent, life-threatening situations when no criminal investigation is underway. C.S.S.B. 816 seeks to allow providers of electronic communication and remote computing services to voluntarily share customer data with a law enforcement agency when they believe, in good faith, that there is an immediate threat to life or safety, even if no criminal investigation is underway, by creating an exception for disclosure in immediate life-threatening situations and when certain statewide alerts have been issued.

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.S.B. 816 amends the Code of Criminal Procedure to authorize an electronic communications service provider and a remote computing service provider to disclose electronic customer data to a law enforcement agency under the following conditions:

- the provider in good faith believes an immediate life-threatening situation exists that requires the immediate disclosure of the electronic customer data to assist in preventing any death or serious bodily injury that may result from the immediate life-threatening situation; and
- an AMBER alert or a silver alert has been issued regarding the person who is threatened with death or exposed to a substantial risk of serious bodily injury as a result of the immediate life-threatening situation.

The bill establishes that a person does not have a cause of action against an electronic communications service provider or a remote computing service provider or the service provider's officers, employees, or agents for disclosing electronic customer data to a law enforcement agency as authorized under the bill's provisions.

C.S.S.B. 816 applies to a disclosure of electronic customer data by an applicable service provider made on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 816 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

Whereas the engrossed only authorized an electronic communications service provider and a remote computing service provider to disclose electronic customer data to a law enforcement agency on the condition that the provider in good faith believes an immediate life-threatening situation exists that requires the immediate disclosure of the electronic customer data to assist in preventing any death or serious bodily injury that may result from the immediate life-threatening situation, the substitute additionally authorizes a disclosure under that same condition if an AMBER alert or a silver alert has been issued regarding the person who is threatened with death or exposed to a substantial risk of serious bodily injury as a result of that immediate life-threatening situation as described by the engrossed.