

BILL ANALYSIS

S.B. 1497
By: Nichols
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law requires law enforcement officers to obtain a search warrant before searching a cellular telephone or any other wireless communications device. However, the law does not clearly define what qualifies as a "wireless communications device," resulting in ambiguity about whether certain devices—such as those designed for criminal activity, like skimmers—fall under this requirement. Skimmers are covert devices typically placed on ATMs, fuel pumps, and retail point-of-sale terminals to steal cardholder data from a payment card's magnetic stripe. The bill sponsor has informed the committee that these devices serve no legitimate purpose and do not store personal communications, photos, or other private information and that their sole function is to facilitate financial fraud. S.B. 1497 seeks to address this ambiguity by specifying that skimmers are not wireless communications devices for purposes of the prohibition against searching a wireless communication device without a search warrant.

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

S.B. 1497 amends the Code of Criminal Procedure to specify, for purposes of the prohibition against a peace officer searching a person's cellular telephone or other wireless communications device pursuant to a lawful arrest of the person without obtaining a search warrant, that a wireless communications device does not include a skimmer, as defined by Business & Commerce Code provisions relating to payment card skimmers on motor fuel metering devices, or a device manufactured for the purpose of illicitly obtaining payment card information or identifying information.

EFFECTIVE DATE

September 1, 2025.