

## **BILL ANALYSIS**

Senate Research Center  
89R9221 JDK-D

S.B. 1497  
By: Nichols  
Criminal Justice  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Article 18 of the Texas Code of Criminal Procedure 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 an "other communications device," creating 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. Manufactured and distributed by criminal organizations, these devices serve no legitimate purpose and do not store personal communications, photos, or other private information. Their sole function is to facilitate financial fraud.

S.B. 1497 addresses the ambiguity in statute by stating that skimmers are not classified as "wireless communications devices" under the law. As a result, law enforcement officers can search these devices without obtaining a warrant.

As proposed, S.B. 1497 amends current law relating to the search of certain wireless communications devices by a peace officer.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 18.0215(a), Code of Criminal Procedure, to provide that a wireless communications device does not include a skimmer as defined by Section 607.001 (Definitions), Business & Commerce Code.

SECTION 2. Effective date: September 1, 2025.