

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1497
By: Nichols
Criminal Justice
3/11/2025
Committee Report (Substituted)

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.

(Original Author's/Sponsor's Statement of Intent)

C.S.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, or a device manufactured for the purpose of illicitly obtaining payment card information or identifying information.

SECTION 2. Effective date: September 1, 2025.