

By: Harless

H.B. No. 2178

A BILL TO BE ENTITLED

AN ACT

relating to the emergency installation and use of a mobile tracking device on a vehicle by an authorized peace officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter E, Chapter 18B, Code of Criminal Procedure, is amended by adding Article 18B.2055 to read as follows:

Art. 18B.2055. EMERGENCY INSTALLATION AND USE OF MOBILE TRACKING DEVICE ON VEHICLE. (a) An authorized peace officer may install and use a mobile tracking device on a vehicle without obtaining an order under this subchapter if:

(1) the peace officer has probable cause to believe that the vehicle to which, in which, or on which the mobile tracking device is to be attached, placed, or otherwise installed is being used in the commission of an offense:

(A) listed in Article 42A.054; or

(B) under Section 38.04 or 38.06, Penal Code, that is punishable as a felony; and

(2) the installation and use of the mobile tracking device without first obtaining an order under this subchapter is necessary to prevent:

(A) the impairment of a criminal investigation;

(B) the damage or destruction of property;

(C) the death of or bodily injury to a person; or

1 (D) the escape of a person who is a fugitive from
2 justice for a felony.

3 (b) Not later than 72 hours after the time the mobile
4 tracking device is attached, placed, or otherwise installed on the
5 vehicle, the authorized peace officer shall obtain an order under
6 this subchapter from a district judge with jurisdiction over the
7 site of the vehicle the movement of which is being tracked by the
8 device. An application for an order required by this subsection
9 must provide one or more reasons as prescribed by Subsection (a)(2)
10 for the necessity of installing and using a mobile tracking device
11 without first obtaining an order under this subchapter.

12 (c) The authorized peace officer may designate another
13 authorized peace officer to obtain the order under Subsection (b)
14 on behalf of the authorized peace officer who attached, placed, or
15 otherwise installed the mobile tracking device.

16 (d) The judge may issue an order authorizing the
17 installation and use of the mobile tracking device during the
18 72-hour period prescribed by Subsection (b) if the judge finds
19 that:

20 (1) the vehicle is being used for the commission of an
21 offense described by Subsection (a)(1); and

22 (2) the installation and use of the mobile tracking
23 device without first obtaining an order under this subchapter was
24 necessary for a reason prescribed by Subsection (a)(2).

25 (e) If the application for the order is denied or the order
26 is not issued within the 72-hour period prescribed by Subsection
27 (b):

1 (1) the authorized peace officer shall terminate the
2 use of the mobile tracking device on the earlier of the denial of
3 the application or the expiration of the 72-hour period; and

4 (2) the state may not use as evidence in a criminal
5 proceeding any information obtained through the use of the mobile
6 tracking device.

7 SECTION 2. The changes in law made by this Act apply only to
8 the installation and use of a mobile tracking device by an
9 authorized peace officer on or after the effective date of this Act.

10 SECTION 3. This Act takes effect September 1, 2025.