

By: Metcalf, Curry

H.B. No. 3185

A BILL TO BE ENTITLED

AN ACT

relating to investigations of certain cybercrimes.

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

SECTION 1. Subtitle B, Title 4, Government Code, is amended by adding Chapter 426 to read as follows:

CHAPTER 426. CYBERCRIMES

Sec. 426.001. DEFINITION. In this chapter, "cybercrime" means an offense:

(1) under Chapter 31, 32, 33, 33A, 34, 35, 42, 71, 72, or 76, Penal Code; and

(2) that is committed using an Internet website or an electronic service account provided through an electronic communication service or remote computing service.

Sec. 426.002. ADMINISTRATIVE SUBPOENA. (a) A prosecuting attorney may issue and cause to be served an administrative subpoena that requires the production of records or other documentation as described by Subsection (c) if:

(1) the subpoena relates to an investigation of a cybercrime; and

(2) there is reasonable cause to believe that the Internet or electronic service account provided through an electronic communication service or remote computing service has been used in the commission of a cybercrime.

(b) A subpoena under Subsection (a) must:

1 (1) describe any objects or items to be produced; and
2 (2) prescribe a reasonable return date by which those
3 objects or items must be assembled and made available.

4 (c) Except as provided by Subsection (d), a subpoena issued
5 under Subsection (a) may require the production of any records or
6 other documentation relevant to the investigation, including:

7 (1) a name;
8 (2) an address;
9 (3) a local or long distance telephone connection
10 record, satellite-based Internet service provider connection
11 record, or record of session time and duration;

12 (4) the duration of the applicable service, including
13 the start date for the service and the type of service used;

14 (5) a telephone or instrument number or other number
15 used to identify a subscriber, including a temporarily assigned
16 network address; and

17 (6) the source of payment for the service, including a
18 credit card or bank account number.

19 (d) A provider of an electronic communication service or
20 remote computing service may not disclose the following information
21 in response to a subpoena issued under Subsection (a):

22 (1) an in-transit electronic communication;
23 (2) an account membership related to an Internet
24 group, newsgroup, mailing list, or specific area of interest;

25 (3) an account password; or

26 (4) any account content, including:

27 (A) any form of electronic mail;

1 (B) an address book, contact list, or buddy list;

2 or

3 (C) Internet proxy content or Internet history.

4 (e) A provider of an electronic communication service or
5 remote computing service shall disclose the information described
6 by Subsection (d) if that disclosure is required by court order or
7 warrant, to the extent that the disclosure is not prohibited by
8 other law.

9 (f) A person authorized to serve process under the Texas
10 Rules of Civil Procedure may serve a subpoena issued under
11 Subsection (a). The person shall serve the subpoena in accordance
12 with the Texas Rules of Civil Procedure.

13 (g) Before the return date specified on a subpoena issued
14 under Subsection (a), the person receiving the subpoena may, in an
15 appropriate court located in the county where the subpoena was
16 issued, petition for an order to modify or quash the subpoena or to
17 prohibit disclosure of applicable information by a court.

18 (h) If a criminal case or proceeding does not result from
19 the production of records or other documentation under this section
20 within a reasonable period, the prosecuting attorney shall, as
21 appropriate:

22 (1) destroy the records or documentation; or

23 (2) return the records or documentation to the person
24 who produced the records or documentation.

25 Sec. 426.003. CONFIDENTIALITY OF INFORMATION. Any
26 information, records, or data reported or obtained under a subpoena
27 issued under Section 426.002(a):

1 (1) is confidential; and
2 (2) may not be disclosed to any other person unless the
3 disclosure is made as part of a criminal case related to those
4 materials.

5 SECTION 2. This Act takes effect September 1, 2025.