

By: Huffman
(Harless)

S.B. No. 816

Substitute the following for S.B. No. 816:

By: Smithee

C.S.S.B. No. 816

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the disclosure of certain electronic customer data by a provider of an electronic communications service or a remote computing service in certain immediate life-threatening situations.

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

SECTION 1. Articles [18B.502](#)(a) and (b), Code of Criminal Procedure, are amended to read as follows:

(a) Except as provided by Subsection (c) and Article 18B.5025, a provider of an electronic communications service may not knowingly divulge the contents of a communication that is in electronic storage.

(b) Except as provided by Subsection (c) and Article 18B.5025, a provider of a remote computing service may not knowingly divulge the contents of a communication that:

(1) is in electronic storage on behalf of a subscriber or customer of the service provider;

(2) is received by means of electronic transmission from the subscriber or customer or created by means of computer processing of communications received by means of electronic transmission from the subscriber or customer; and

(3) is solely for the purpose of providing storage or computer processing services to the subscriber or customer, if the service provider is not authorized to obtain access to the contents

of that communication for purposes of providing any service other than storage or computer processing.

SECTION 2. Subchapter K, Chapter 18B, Code of Criminal Procedure, is amended by adding Article 18B.5025 to read as follows:

Art. 18B.5025. DISCLOSURE IN CERTAIN IMMEDIATE LIFE-THREATENING SITUATIONS. A provider of an electronic communications service or a provider of a remote computing service may disclose electronic customer data to a law enforcement agency if:

(1) the provider in good faith believes an immediate life-threatening situation exists that requires the immediate disclosure of the electronic customer data to assist in preventing any death or serious bodily injury that may result from the immediate life-threatening situation; and

(2) an alert under Subchapter L or M, Chapter 411, Government Code, has been issued regarding the person who is threatened with death or exposed to a substantial risk of serious bodily injury as a result of the immediate life-threatening situation described by Subdivision (1).

SECTION 3. Article 18B.552, Code of Criminal Procedure, is amended to read as follows:

Art. 18B.552. NO CAUSE OF ACTION. (a) A subscriber or customer of a provider of an electronic communications service or a provider of a remote computing service does not have a cause of action against a service provider or the service provider's officers, employees, or agents or against other specified persons

1 for providing information, facilities, or assistance as required by
2 a court order, warrant, subpoena, or certification under this
3 chapter.

4 (b) A person does not have a cause of action against a
5 provider of an electronic communications service or a provider of a
6 remote computing service or the service provider's officers,
7 employees, or agents for disclosing electronic customer data to a
8 law enforcement agency as authorized by Article 18B.5025.

9 SECTION 4. The changes in law made by this Act apply to a
10 disclosure of electronic customer data by a provider of an
11 electronic communications service or a remote computing service
12 made on or after the effective date of this Act.

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