

By: Huffman

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

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

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

6 Art. 18B.5025. DISCLOSURE IN IMMEDIATE LIFE-THREATENING
7 SITUATION. A provider of an electronic communications service or a
8 provider of a remote computing service may disclose electronic
9 customer data to a governmental entity if the provider in good faith
10 believes an immediate life-threatening situation exists that
11 requires the immediate disclosure of the electronic customer data
12 to assist in preventing any death or serious bodily injury that may
13 result from the immediate life-threatening situation.

14 SECTION 3. The changes in law made by this Act apply to a
15 disclosure of electronic customer data by a provider of an
16 electronic communications service or a remote computing service
17 made on or after the effective date of this Act.

18 SECTION 4. This Act takes effect September 1, 2025.