

1-1 By: Huffman S.B. No. 816
1-2 (In the Senate - Filed January 16, 2025; February 7, 2025,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 23, 2025, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 23, 2025,
1-6 sent to printer.)

1-7	COMMITTEE VOTE				
1-8		Yea	Nay	Absent	PNV
1-9	Flores	X			
1-10	Parker	X			
1-11	Hagenbuch	X			
1-12	Hinojosa of Hidalgo	X			
1-13	Huffman	X			
1-14	King	X			
1-15	Miles			X	

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 816 By: Flores

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to authorizing the disclosure of certain electronic
1-20 customer data by a provider of an electronic communications service
1-21 or a remote computing service in certain immediate life-threatening
1-22 situations.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Articles 18B.502(a) and (b), Code of Criminal
1-25 Procedure, are amended to read as follows:

1-26 (a) Except as provided by Subsection (c) and Article
1-27 18B.5025, a provider of an electronic communications service may
1-28 not knowingly divulge the contents of a communication that is in
1-29 electronic storage.

1-30 (b) Except as provided by Subsection (c) and Article
1-31 18B.5025, a provider of a remote computing service may not
1-32 knowingly divulge the contents of a communication that:

1-33 (1) is in electronic storage on behalf of a subscriber
1-34 or customer of the service provider;

1-35 (2) is received by means of electronic transmission
1-36 from the subscriber or customer or created by means of computer
1-37 processing of communications received by means of electronic
1-38 transmission from the subscriber or customer; and

1-39 (3) is solely for the purpose of providing storage or
1-40 computer processing services to the subscriber or customer, if the
1-41 service provider is not authorized to obtain access to the contents
1-42 of that communication for purposes of providing any service other
1-43 than storage or computer processing.

1-44 SECTION 2. Subchapter K, Chapter 18B, Code of Criminal
1-45 Procedure, is amended by adding Article 18B.5025 to read as
1-46 follows:

1-47 Art. 18B.5025. DISCLOSURE IN IMMEDIATE LIFE-THREATENING
1-48 SITUATION. A provider of an electronic communications service or a
1-49 provider of a remote computing service may disclose electronic
1-50 customer data to a governmental entity if the provider in good faith
1-51 believes an immediate life-threatening situation exists that
1-52 requires the immediate disclosure of the electronic customer data
1-53 to assist in preventing any death or serious bodily injury that may
1-54 result from the immediate life-threatening situation.

1-55 SECTION 3. Article 18B.552, Code of Criminal Procedure, is
1-56 amended to read as follows:

1-57 Art. 18B.552. NO CAUSE OF ACTION. (a) A subscriber or
1-58 customer of a provider of an electronic communications service or a
1-59 provider of a remote computing service does not have a cause of
1-60 action against a service provider or the service provider's

2-1 officers, employees, or agents or against other specified persons
2-2 for providing information, facilities, or assistance as required by
2-3 a court order, warrant, subpoena, or certification under this
2-4 chapter.

2-5 (b) A person does not have a cause of action against a
2-6 provider of an electronic communications service or a provider of a
2-7 remote computing service or the service provider's officers,
2-8 employees, or agents for disclosing electronic customer data to a
2-9 governmental entity as authorized by Article 18B.5025.

2-10 SECTION 4. The changes in law made by this Act apply to a
2-11 disclosure of electronic customer data by a provider of an
2-12 electronic communications service or a remote computing service
2-13 made on or after the effective date of this Act.

2-14 SECTION 5. This Act takes effect September 1, 2025.

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