

## **BILL ANALYSIS**

S.B. 1823  
By: Burton  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that there is ambiguity in current law as to which judges may issue a warrant for the search of a cellular telephone or other wireless communication device. The purpose of S.B. 1823 is to remove this ambiguity.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1823 amends the Code of Criminal Procedure to extend the authority of a judge to issue a search warrant to access a cellular telephone or other wireless communications device to a justice or other magistrate who is authorized under state law to issue a search warrant for certain property or items constituting evidence of an offense or tending to show a person committed an offense and who is in the requisite judicial district. The bill replaces the authorization for a peace officer to search a cellular telephone or other wireless communications device without a warrant if the telephone or device is reported stolen by the owner or possessor with the authorization for the officer to do so if the officer reasonably believes that the telephone or device has been stolen and limits the search to only the contact list information and device settings necessary to identify the owner of the telephone or device or, if the officer is unable to identify the owner of the telephone or device from such a search, to only the photographs, social media account information, and email account information necessary to identify the owner of the telephone or device.

### **EFFECTIVE DATE**

September 1, 2017.