

SUBJECT: Amending the definition of electronic consumer data

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Moody, Cook, Bhojani, Bowers, Darby, Leach, C. Morales, Schatzline
0 nays
1 present not voting — Harrison

WITNESSES: For — Jimmy Taylor (*Registered, but did not testify*: James Parnell, Dallas Police Association; David Batton, Harris County Deputies' Organization FOP 39; Nathan Carroll, Houston Police Department; Ray Hunt, Houston Police Officers' Union; Stephen Scurlock, Independent Bankers Association of Texas; John Wilkerson, Texas Municipal Police Association; AJ Louderback, Texas Sheriffs' Regional Alliance)
Against — None

BACKGROUND: Concerns have been raised that current law does not explicitly allow law enforcement to access phone number information under a search warrant, which may hinder an investigation.

DIGEST: HB 3197 would extend the definition of “electronic consumer data” contained in Code of Criminal Procedure provisions relating to the installation and use of tracking equipment and access to communications. The bill would specify that electronic consumer data would mean data or records that were in the possession, care, custody, or control of a provider of an electric communication service or provider or a remote computer service and contained the telephone number assigned to the customer’s device and any recipients’ telephone numbers for communications originated by that device.

The bill would take effect September 1, 2023.