

## BILL ANALYSIS

Senate Research Center  
80R6138 UM-F

S.B. 1361  
By: Williams  
Criminal Justice  
4/21/2007  
As Filed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Advances in technology have opened new ways of communication, but current law does not reflect this. Electronic mail, voice mail, cellular telephone text messaging, computer communications, and websites such as MySpace have become tools of sexual predators to seek out and communicate with young people. In addition, the Internet has been long used by persons involved in the child pornography trade to further that trade.

As proposed, S.B. 1361 authorizes a law enforcement agency to seek a court order authorizing the agency to collect and protect these communications as evidence for a prosecution.

### RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1(1), Article 18.20, Code of Criminal Procedure, to delete electronic storage of a wire communication from the definition of "wire communication."

SECTION 2. Amends Section 1(5), Article 18.21, Code of Criminal Procedure, to delete text providing that a device designed, made, adapted, or capable of intercepting the content of a communication or functioning as a pen register, ESN reader, trap and trace device, or similar equipment is not included in the definition of "mobile tracking device."

SECTION 3. Amends Sections 4(a), (b), and (c), Article 18.21, Code of Criminal Procedure, as follows:

(a) Authorizes an authorized peace officer to require a provider of electronic communications service to disclose the contents of a wire communication or an electronic communication that has been in electronic storage for not longer than 180 days by obtaining a warrant.

(b) and (c) Makes conforming changes.

SECTION 4. Amends Sections 7(a) and (b), Article 18.21, Code of Criminal Procedure, as follows:

(a) Authorizes an authorized peace officer seeking a court order to obtain information under Section 4 (authorizing an authorized peace officer to require a certain providers of electronic communications or remote computing services to disclose the contents or a wire communication or electronic communication as set forth in that section), rather than Section 4(c) (regarding remote computing service providers), of this article to include a request for an order delaying the notification required under that section for a period not to exceed 90 days. Makes a conforming change.

(b) Makes a conforming change.

SECTION 5. Amends Section 14(a), Article 18.21, Code of Criminal Procedure, to delete text limiting the use of a mobile tracking device ordered by a judge to the judge's judicial district.

SECTION 6. (a) Makes application of Sections 4 and 7, Article 18.21, Code of Criminal Procedure, as amended by this Act, prospective.

(b) Makes application of Section 14, Article 18.21, Code of Criminal Procedure, as amended by this Act, prospective.

SECTION 7. Effective date: September 1, 2007.