

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

March 23, 2013

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB786 by Hinojosa (Relating to warrants issued to obtain location information from wireless communications devices and to public access to law enforcement or prosecutor requests for certain related location or communication information.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to allow a law enforcement agency to apply for a warrant to obtain location information. The bill defines location information as information that concerns the location of a cell phone or other wireless communication device that is wholly or partly generated or derived from the operation of the device.

A district judge would be allowed to issue a warrant for location information on the application of a peace officer. A warrant issued under the provisions of the bill would expire 90 days after being issued, and the judge would be allowed to grant an additional 90-day extension for good cause. A device could be monitored without a warrant if either the device is reported stolen by the owner or if an immediate life-threatening situation exists.

The bill would also provide for annual warrant request reports to be filed with the Department of Public Safety (DPS) by cell phone carriers and prosecutors by January 15th of each year. DPS would then be required to summarize these reports and file them with the Governor, Lieutenant Governor, Speaker of the House, and the chairs of the Legislature's standing committees by March 15th of each year.

It is anticipated that any additional workload for state agencies can be absorbed within existing resources.

Local Government Impact

Additional workload for local courts would vary depending on the number of applicable search warrants and orders; however, fiscal impact to local governments is not anticipated to be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety, 696 Department of Criminal Justice

LBB Staff: UP, ESi, SD, KKR, JAW

