

1-1 By: Perry S.B. No. 1203
 1-2 (In the Senate - Filed March 2, 2017; March 9, 2017, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 10, 2017, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 10, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

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

1-19 relating to the issuance of subpoenas or certain other court orders
 1-20 with respect to an online service provider in the investigation or
 1-21 prosecution of certain criminal offenses.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Article [24A.001](#), Code of Criminal Procedure, is
 1-24 amended to read as follows:

1-25 Art. 24A.001. APPLICABILITY OF SUBCHAPTER. This subchapter
 1-26 applies only to a subpoena, search warrant, or other court order
 1-27 that:

1-28 (1) relates to the investigation or prosecution of a
 1-29 criminal offense under:

1-30 (A) Section [21.02](#), [21.11](#), [22.011](#), or [22.021](#),
 1-31 Penal Code;

1-32 (B) Chapter [20A](#), Penal Code;

1-33 (C) Section [33.021](#), Penal Code; or

1-34 (D) Chapter [43](#), Penal Code; and

1-35 (2) is served on or issued with respect to an online
 1-36 [~~Internet~~] service provider that provides service in this state.

1-37 SECTION 2. Subchapter A, Chapter [24A](#), Code of Criminal
 1-38 Procedure, is amended by adding Article [24A.0015](#) to read as
 1-39 follows:

1-40 Art. 24A.0015. DEFINITION. In this chapter, "online
 1-41 service provider" means an Internet service provider, search
 1-42 engine, web hosting company, web browsing company, manufacturer of
 1-43 devices providing online application platforms, or company
 1-44 providing online social media platforms.

1-45 SECTION 3. Articles [24A.002](#)(a) and (b), Code of Criminal
 1-46 Procedure, are amended to read as follows:

1-47 (a) Except as provided by Subsection (b), not later than the
 1-48 10th day after the date on which an online [~~Internet~~] service
 1-49 provider is served with or otherwise receives a subpoena, search
 1-50 warrant, or other court order described by Article [24A.001](#), the
 1-51 online [~~Internet~~] service provider shall:

1-52 (1) fully comply with the subpoena, warrant, or order;
 1-53 or

1-54 (2) petition a court to excuse the online [~~Internet~~]
 1-55 service provider from complying with the subpoena, warrant, or
 1-56 order.

1-57 (b) As soon as is practicable, and in no event later than the
 1-58 second business day after the date the online [~~Internet~~] service
 1-59 provider is served with or otherwise receives a subpoena, search
 1-60 warrant, or other court order described by Article [24A.001](#), the
 1-61 online [~~Internet~~] service provider shall fully comply with the

2-1 subpoena, search warrant, or order if the subpoena, search warrant,
2-2 or order indicates that full compliance is necessary to address a
2-3 situation that threatens a person with death or other serious
2-4 bodily injury.

2-5 SECTION 4. Article 24A.003, Code of Criminal Procedure, is
2-6 amended to read as follows:

2-7 Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An
2-8 online [~~Internet~~] service provider that disobeys a subpoena, search
2-9 warrant, or other court order described by Article 24A.001 and that
2-10 was not excused from complying with the subpoena, warrant, or order
2-11 under Article 24A.002(a)(2) may be punished in any manner provided
2-12 by law.

2-13 SECTION 5. Article 24A.051, Code of Criminal Procedure, is
2-14 amended to read as follows:

2-15 Art. 24A.051. PRESERVING INFORMATION. (a) On written
2-16 request of a law enforcement agency in this state or a federal law
2-17 enforcement agency and pending the issuance of a subpoena or other
2-18 court order described by Article 24A.001, an online [~~Internet~~]
2-19 service provider that provides service in this state shall take all
2-20 steps necessary to preserve all records or other potential evidence
2-21 in a criminal trial that is in the possession of the online
2-22 [~~Internet~~] service provider.

2-23 (b) Subject to Subsection (c), an online [~~Internet~~] service
2-24 provider shall preserve information under Subsection (a) for a
2-25 period of 90 days after the date the online [~~Internet~~] service
2-26 provider receives the written request described by Subsection (a).

2-27 (c) An online [~~Internet~~] service provider shall preserve
2-28 information under Subsection (a) for the 90-day period immediately
2-29 following the 90-day period described by Subsection (b) if the
2-30 requesting law enforcement agency in writing requests an extension
2-31 of the preservation period.

2-32 SECTION 6. The change in law made by this Act to Chapter
2-33 24A, Code of Criminal Procedure, applies only to a subpoena, search
2-34 warrant, or other court order issued on or after the effective date
2-35 of this Act. A subpoena, search warrant, or other court order
2-36 issued before the effective date of this Act is governed by the law
2-37 in effect on the date the warrant was issued, and the former law is
2-38 continued in effect for that purpose.

2-39 SECTION 7. This Act takes effect September 1, 2017.

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