

BILL ANALYSIS

Senate Research Center
82R9871 MAW-F

H.B. 1891
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Criminal Justice
5/13/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Generally, a law enforcement officer has three days to execute a certain type of search warrant signed by a judge. In cases that rely on digital evidence, such as child pornography, officers usually seize computers when executing a search warrant. In such cases, it can take weeks or even months to fully analyze a computer or electronic storage device that has been seized to collect the contraband evidence. H.B. 1891 seeks to provide law enforcement sufficient time to search for digital evidence that is stored on a computer or other electronic storage device that has been lawfully seized as a result of a search warrant.

H.B. 1891 amends current law relating to the execution of a search warrant for data or information contained in or on certain devices.

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 Article 18.07, Code of Criminal Procedure, by adding Subsection (c), as follows:

(c) Provides that if a warrant is issued to search for and seize data or information contained in or on a computer, disk drive, flash drive, cellular telephone, or other electronic, communication, or data storage device, the warrant is considered to have been executed within the time allowed under Subsection (a) (relating to the time allowed for the execution of a search warrant) if the device was seized before the expiration of the time allowed. Authorizes any data or information contained in or on a device seized, notwithstanding any other law, to be recovered and analyzed after the expiration of the time allowed under Subsection (a).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.