

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 24A. RESPONDING TO SUBPOENAS AND CERTAIN OTHER COURT
ORDERS; PRESERVING CERTAIN INFORMATION

SUBCHAPTER A. RESPONDING TO SUBPOENAS AND CERTAIN OTHER COURT
ORDERS

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

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

(A) Section 21.02, 21.11, 22.011, or 22.021, Penal Code;

(B) Chapter 20A, Penal Code;

(C) Section 33.021, Penal Code; or

(D) Chapter 43, Penal Code; and

(2) is served on or issued with respect to an online service provider that provides service in this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B. 6), Sec. 2, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 69 (S.B. 1203), Sec. 1, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 8, eff. September 1, 2017.

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

Added by Acts 2017, 85th Leg., R.S., Ch. 69 (S.B. 1203), Sec. 2, eff. September 1, 2017.

Added by Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 9, eff. September 1, 2017.

Art. 24A.002. RESPONSE REQUIRED; DEADLINE FOR RESPONSE.

(a) Except as provided by Subsection (b), not later than the 10th day after the date on which an online service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the online service provider shall:

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

or

(2) petition a court to excuse the online service provider from complying with the subpoena, warrant, or order.

(b) As soon as is practicable, and in no event later than the second business day after the date the online service provider is served with or otherwise receives a subpoena, search warrant, or other court order described by Article 24A.001, the online service provider shall fully comply with the subpoena, search warrant, or order if the subpoena, search warrant, or order indicates that full compliance is necessary to address a situation that threatens a person with death or other serious bodily injury.

(c) For the purposes of Subsection (a)(1), full compliance with the subpoena, warrant, or order includes:

(1) producing or providing, to the extent permitted under federal law, all documents or information requested under the subpoena, warrant, or order; or

(2) providing, to the extent permitted under federal law, electronic access to all documents or information requested under the subpoena, warrant, or order.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B. 6), Sec. 2, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 69 (S.B. 1203), Sec. 3, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. 29), Sec. 10, eff. September 1, 2017.

Art. 24A.003. DISOBEYING SUBPOENA, WARRANT, OR ORDER. An online service provider that disobeys a subpoena,

search warrant, or other court order described by Article [24A.001](#) and that was not excused from complying with the subpoena, warrant, or order under Article [24A.002](#)(a)(2) may be punished in any manner provided by law.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B. [6](#)), Sec. 2, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 69 (S.B. [1203](#)), Sec. 4, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 11, eff. September 1, 2017.

SUBCHAPTER B. PRESERVING CERTAIN INFORMATION

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

(b) Subject to Subsection (c), an online service provider shall preserve information under Subsection (a) for a period of 90 days after the date the online service provider receives the written request described by Subsection (a).

(c) An online service provider shall preserve information under Subsection (a) for the 90-day period immediately following the 90-day period described by Subsection (b) if the requesting law enforcement agency in writing requests an extension of the preservation period.

Added by Acts 2007, 80th Leg., R.S., Ch. 1291 (S.B. [6](#)), Sec. 2, eff. September 1, 2007.

Amended by:

Acts 2017, 85th Leg., R.S., Ch. 69 (S.B. [1203](#)), Sec. 5, eff. September 1, 2017.

Acts 2017, 85th Leg., R.S., Ch. 685 (H.B. [29](#)), Sec. 12, eff.

September 1, 2017.