

1 AN ACT

2 relating to search warrants issued in this state and other states
3 for certain customer data, communications, and other related
4 information held in electronic storage in this state and other
5 states by providers of electronic communications services and
6 remote computing services.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Article 18.02, Code of Criminal Procedure, is
9 amended to read as follows:

10 Art. 18.02. GROUNDS FOR ISSUANCE. (a) A search warrant may
11 be issued to search for and seize:

12 (1) property acquired by theft or in any other manner
13 which makes its acquisition a penal offense;

14 (2) property specially designed, made, or adapted for
15 or commonly used in the commission of an offense;

16 (3) arms and munitions kept or prepared for the
17 purposes of insurrection or riot;

18 (4) weapons prohibited by the Penal Code;

19 (5) gambling devices or equipment, altered gambling
20 equipment, or gambling paraphernalia;

21 (6) obscene materials kept or prepared for commercial
22 distribution or exhibition, subject to the additional rules set
23 forth by law;

24 (7) a drug, controlled substance, immediate

1 precursor, chemical precursor, or other controlled substance
2 property, including an apparatus or paraphernalia kept, prepared,
3 or manufactured in violation of the laws of this state;

4 (8) any property the possession of which is prohibited
5 by law;

6 (9) implements or instruments used in the commission
7 of a crime;

8 (10) property or items, except the personal writings
9 by the accused, constituting evidence of an offense or constituting
10 evidence tending to show that a particular person committed an
11 offense;

12 (11) persons; ~~[or]~~

13 (12) contraband subject to forfeiture under Chapter 59
14 of this code; or

15 (13) electronic customer data held in electronic
16 storage, including the contents of and records and other
17 information related to a wire communication or electronic
18 communication held in electronic storage.

19 (b) For purposes of Subsection (a)(13), "electronic
20 communication," "electronic storage," and "wire communication"
21 have the meanings assigned by Article 18.20, and "electronic
22 customer data" has the meaning assigned by Article 18.21.

23 SECTION 2. Article 18.06(a), Code of Criminal Procedure, is
24 amended to read as follows:

25 (a) A peace officer to whom a search warrant is delivered
26 shall execute the warrant ~~[it]~~ without delay and forthwith return
27 the warrant ~~[it]~~ to the proper magistrate. A search warrant issued

1 under Section 5A, Article 18.21, must be executed in the manner
2 provided by that section not later than the 11th day after the date
3 of issuance. In all other cases, a search warrant [~~It~~] must be
4 executed within three days from the time of its issuance. A warrant
5 issued under this chapter [~~and~~] shall be executed within a shorter
6 period if so directed in the warrant by the magistrate.

7 SECTION 3. Article 18.07(a), Code of Criminal Procedure, is
8 amended to read as follows:

9 (a) The period [~~time~~] allowed for the execution of a search
10 warrant, exclusive of the day of its issuance and of the day of its
11 execution, is:

12 (1) 15 whole days if the warrant is issued solely to
13 search for and seize specimens from a specific person for DNA
14 analysis and comparison, including blood and saliva samples;

15 (2) 10 whole days if the warrant is issued under
16 Section 5A, Article 18.21; or

17 (3) [~~2~~] three whole days if the warrant is issued
18 for a purpose other than that described by Subdivision (1) or (2).

19 SECTION 4. Section 1(20), Article 18.20, Code of Criminal
20 Procedure, is amended to read as follows:

21 (20) "Electronic storage" means any storage of
22 electronic customer data in a computer, computer network, or
23 computer system, regardless of whether the data is subject to
24 recall, further manipulation, deletion, or transmission, and
25 includes any[+]

26 [~~(A) a temporary, intermediate storage of a wire~~
27 ~~or electronic communication that is incidental to the electronic~~

1 ~~transmission of the communication, or~~
2 [~~(B)~~] storage of a wire or electronic
3 communication by an electronic communications service or a remote
4 computing service [~~for purposes of backup protection of the~~
5 ~~communication~~].

6 SECTION 5. Section 1, Article 18.21, Code of Criminal
7 Procedure, is amended by adding Subdivisions (3-b) and (3-c) to
8 read as follows:

9 (3-b) "Domestic entity" has the meaning assigned by
10 Section 1.002, Business Organizations Code.

11 (3-c) "Electronic customer data" means data or records
12 that:

13 (A) are in the possession, care, custody, or
14 control of a provider of an electronic communications service or a
15 remote computing service; and

16 (B) contain:

17 (i) information revealing the identity of
18 customers of the applicable service;

19 (ii) information about a customer's use of
20 the applicable service;

21 (iii) information that identifies the
22 recipient or destination of a wire communication or electronic
23 communication sent to or by the customer;

24 (iv) the content of a wire communication or
25 electronic communication sent to or by the customer; and

26 (v) any data stored by or on behalf of the
27 customer with the applicable service provider.

1 SECTION 6. Section 4, Article 18.21, Code of Criminal
2 Procedure, is amended to read as follows:

3 Sec. 4. REQUIREMENTS FOR GOVERNMENT ACCESS TO STORED
4 COMMUNICATIONS. (a) An authorized peace officer may require a
5 provider of an electronic communications service or a provider of a
6 remote computing service to disclose electronic customer data [~~the~~
7 ~~contents of a wire communication or an electronic communication~~]
8 that is [~~has been~~] in electronic storage [~~for not longer than 180~~
9 ~~days~~] by obtaining a warrant under Section 5A.

10 (b) [~~An authorized peace officer may require a provider of~~
11 ~~electronic communications service to disclose the contents of a~~
12 ~~wire communication or an electronic communication that has been in~~
13 ~~electronic storage for longer than 180 days.~~

14 [~~(1) if notice is not being given to the subscriber or~~
15 ~~customer, by obtaining a warrant,~~

16 [~~(2) if notice is being given to the subscriber or~~
17 ~~customer, by obtaining:~~

18 [~~(A) an administrative subpoena authorized by~~
19 ~~statute,~~

20 [~~(B) a grand jury subpoena, or~~

21 [~~(C) a court order issued under Section 5 of this~~
22 ~~article, or~~

23 [~~(3) as otherwise permitted by applicable federal law.~~

24 [~~(c)(1) An authorized peace officer may require a provider~~
25 ~~of a remote computing service to disclose the contents of a wire~~
26 ~~communication or an electronic communication as described in~~
27 ~~Subdivision (2) of this subsection.~~

1 ~~[(A) if notice is not being given to the~~
2 ~~subscriber or customer, by obtaining a warrant issued under this~~
3 ~~code;~~

4 ~~[(B) if notice is being given to the subscriber~~
5 ~~or customer, by:~~

6 ~~[(i) an administrative subpoena authorized~~
7 ~~by statute;~~

8 ~~[(ii) a grand jury subpoena; or~~

9 ~~[(iii) a court order issued under Section 5~~
10 ~~of this article; or~~

11 ~~[(C) as otherwise permitted by applicable~~
12 ~~federal law.~~

13 ~~[(2) Subdivision (1) of this subsection applies only~~
14 ~~to a wire communication or an electronic communication that is in~~
15 ~~electronic storage:~~

16 ~~[(A) on behalf of a subscriber or customer of the~~
17 ~~service and is received by means of electronic transmission from or~~
18 ~~created by means of computer processing of communications received~~
19 ~~by means of electronic transmission from the subscriber or~~
20 ~~customer; and~~

21 ~~[(B) solely for the purpose of providing storage~~
22 ~~or computer processing services to the subscriber or customer if~~
23 ~~the provider of the service is not authorized to obtain access to~~
24 ~~the contents of those communications for purposes of providing any~~
25 ~~service other than storage or computer processing.~~

26 ~~[(d)]~~ An authorized peace officer may require a provider of
27 an electronic communications service or a provider of a remote

1 computing service to disclose only electronic customer data that is
2 information revealing the identity of customers of the applicable
3 service or information about a customer's use of the applicable
4 service, [~~records or other information pertaining to a subscriber~~
5 ~~or customer of the service, other than communications described in~~
6 ~~Subsection (c) of this section,~~] without giving the subscriber or
7 customer notice:

8 (1) by obtaining an administrative subpoena
9 authorized by statute;

10 (2) by obtaining a grand jury subpoena;

11 (3) by obtaining a warrant under Section 5A;

12 (4) by obtaining the consent of the subscriber or
13 customer to the disclosure of the data [~~records or information~~];

14 (5) by obtaining a court order under Section 5 [~~of this~~
15 ~~article~~]; or

16 (6) as otherwise permitted by applicable federal law.

17 (c) [~~(e)~~] A provider of telephonic communications service
18 shall disclose to an authorized peace officer, without any form of
19 legal process, subscriber listing information, including name,
20 address, and telephone number or similar access code that:

21 (1) the service provides to others in the course of
22 providing publicly available directory or similar assistance; or

23 (2) is solely for use in the dispatch of emergency
24 vehicles and personnel responding to a distress call directed to an
25 emergency dispatch system or when the information is reasonably
26 necessary to aid in the dispatching of emergency vehicles and
27 personnel for the immediate prevention of death, personal injury,

1 or destruction of property.

2 (d) [~~(f)~~] A provider of telephonic communications service
3 shall provide an authorized peace officer with the name of the
4 subscriber of record whose published telephone number is provided
5 to the service by an authorized peace officer.

6 SECTION 7. Article 18.21, Code of Criminal Procedure, is
7 amended by adding Sections 5A and 5B to read as follows:

8 Sec. 5A. WARRANT ISSUED IN THIS STATE FOR STORED CUSTOMER
9 DATA OR COMMUNICATIONS. (a) This section applies to a warrant
10 required under Section 4 to obtain electronic customer data,
11 including the contents of a wire communication or electronic
12 communication.

13 (b) On the filing of an application by an authorized peace
14 officer, a district judge may issue a search warrant under this
15 section for electronic customer data held in electronic storage,
16 including the contents of and records and other information related
17 to a wire communication or electronic communication held in
18 electronic storage, by a provider of an electronic communications
19 service or a provider of a remote computing service described by
20 Subsection (h), regardless of whether the customer data is held at a
21 location in this state or at a location in another state. An
22 application made under this subsection must demonstrate probable
23 cause for the issuance of the warrant and must be supported by the
24 oath or affirmation of the authorized peace officer.

25 (c) A search warrant may not be issued under this section
26 unless the sworn affidavit required by Article 18.01(b) sets forth
27 sufficient and substantial facts to establish probable cause that:

1 (1) a specific offense has been committed; and

2 (2) the electronic customer data sought:

3 (A) constitutes evidence of that offense or
4 evidence that a particular person committed that offense; and

5 (B) is held in electronic storage by the service
6 provider on which the warrant is served under Subsection (i).

7 (d) Only the electronic customer data described in the sworn
8 affidavit required by Article 18.01(b) may be seized under the
9 warrant.

10 (e) A warrant issued under this section shall run in the
11 name of "The State of Texas."

12 (f) Article 18.011 applies to an affidavit presented under
13 Article 18.01(b) for the issuance of a warrant under this section,
14 and the affidavit may be sealed in the manner provided by that
15 article.

16 (g) The peace officer shall execute the warrant not later
17 than the 11th day after the date of issuance, except that the
18 officer shall execute the warrant within a shorter period if so
19 directed in the warrant by the district judge. For purposes of this
20 subsection, a warrant is executed when the warrant is served in the
21 manner described by Subsection (i).

22 (h) A warrant under this section may be served only on a
23 service provider that is a domestic entity or a company or entity
24 otherwise doing business in this state under a contract or a terms
25 of service agreement with a resident of this state, if any part of
26 that contract or agreement is to be performed in this state. The
27 service provider shall produce all electronic customer data,

1 contents of communications, and other information sought,
2 regardless of where the information is held and within the period
3 allowed for compliance with the warrant, as provided by Subsection
4 (j). A court may find any designated officer, designated director,
5 or designated owner of a company or entity in contempt of court if
6 the person by act or omission is responsible for the failure of the
7 company or entity to comply with the warrant within the period
8 allowed for compliance. The failure of a company or entity to timely
9 deliver the information sought in the warrant does not affect the
10 admissibility of that evidence in a criminal proceeding.

11 (i) A search warrant issued under this section is served
12 when the authorized peace officer delivers the warrant by hand, by
13 facsimile transmission, or, in a manner allowing proof of delivery,
14 by means of the United States mail or a private delivery service to:

15 (1) a person specified by Section 5.255, Business
16 Organizations Code;

17 (2) the secretary of state in the case of a company or
18 entity to which Section 5.251, Business Organizations Code,
19 applies; or

20 (3) any other person or entity designated to receive
21 the service of process.

22 (j) The district judge shall indicate in the warrant that
23 the deadline for compliance by the provider of an electronic
24 communications service or the provider of a remote computing
25 service is the 15th business day after the date the warrant is
26 served if the warrant is to be served on a domestic entity or a
27 company or entity otherwise doing business in this state, except

1 that the deadline for compliance with a warrant served in
2 accordance with Section 5.251, Business Organizations Code, may be
3 extended to a date that is not later than the 30th day after the date
4 the warrant is served. The judge may indicate in a warrant that the
5 deadline for compliance is earlier than the 15th business day after
6 the date the warrant is served if the officer makes a showing and
7 the judge finds that failure to comply with the warrant by the
8 earlier deadline would cause serious jeopardy to an investigation,
9 cause undue delay of a trial, or create a material risk of:

10 (1) danger to the life or physical safety of any
11 person;

12 (2) flight from prosecution;

13 (3) the tampering with or destruction of evidence; or

14 (4) intimidation of potential witnesses.

15 (k) If the authorized peace officer serving the warrant
16 under this section also delivers an affidavit form to the provider
17 of an electronic communications service or the provider of a remote
18 computing service responding to the warrant, and the peace officer
19 also notifies the provider in writing that an executed affidavit is
20 required, then the provider shall verify the authenticity of the
21 customer data, contents of communications, and other information
22 produced in compliance with the warrant by including with the
23 information the affidavit form completed and sworn to by a person
24 who is a custodian of the information or a person otherwise
25 qualified to attest to its authenticity that states that the
26 information was stored in the course of regularly conducted
27 business of the provider and specifies whether it is the regular

1 practice of the provider to store that information.

2 (1) On a service provider's compliance with a warrant under
3 this section, an authorized peace officer shall file a return of the
4 warrant and a copy of the inventory of the seized property as
5 required under Article 18.10.

6 (m) The district judge shall hear and decide any motion to
7 quash the warrant not later than the fifth business day after the
8 date the service provider files the motion. The judge may allow the
9 service provider to appear at the hearing by teleconference.

10 (n) A provider of an electronic communications service or a
11 provider of a remote computing service responding to a warrant
12 issued under this section may request an extension of the period for
13 compliance with the warrant if extenuating circumstances exist to
14 justify the extension. The district judge shall grant a request for
15 an extension based on those circumstances if:

16 (1) the authorized peace officer who applied for the
17 warrant or another appropriate authorized peace officer agrees to
18 the extension; or

19 (2) the district judge finds that the need for the
20 extension outweighs the likelihood that the extension will cause an
21 adverse circumstance described by Subsection (j).

22 Sec. 5B. WARRANT ISSUED IN ANOTHER STATE FOR STORED
23 CUSTOMER DATA OR COMMUNICATIONS. Any domestic entity that provides
24 electronic communications services or remote computing services to
25 the public shall comply with a warrant issued in another state and
26 seeking information described by Section 5A(b), if the warrant is
27 served on the entity in a manner equivalent to the service of

1 process requirements provided in Section 5A(h).

2 SECTION 8. Section 6, Article 18.21, Code of Criminal
3 Procedure, is amended to read as follows:

4 Sec. 6. BACKUP PRESERVATION. (a) A subpoena or court order
5 for disclosure of certain electronic customer data held [~~the~~
6 ~~contents of an electronic communication~~] in electronic storage by a
7 provider of an electronic communications service or a provider of a
8 remote computing service under Section 4(b) [~~4(c) of this article~~]
9 may require that [~~the service~~] provider to [~~whom the request is~~
10 ~~directed~~] create a copy of the customer data [~~contents of the~~
11 ~~electronic communications~~] sought by the subpoena or court order
12 for the purpose of preserving that data [~~those contents~~]. The
13 [~~service~~] provider may not inform the subscriber or customer whose
14 data is [~~communications are~~] being sought that the subpoena or
15 court order has been issued. The [~~service~~] provider shall create
16 the copy within a reasonable time as determined by the court issuing
17 [~~not later than two business days after the date of the receipt by~~
18 ~~the service provider of~~] the subpoena or court order.

19 (b) The provider of an electronic communications service or
20 the provider of a remote computing service shall immediately notify
21 the authorized peace officer who presented the subpoena or court
22 order requesting the copy when the copy has been created.

23 (c) The [~~Except as provided by Section 7 of this article,~~
24 ~~the~~] authorized peace officer shall notify the subscriber or
25 customer whose electronic customer data is [~~communications are~~] the
26 subject of the subpoena or court order of the creation of the copy
27 not later than three days after the date of the receipt of the

1 notification from the applicable [~~service~~] provider that the copy
2 was created.

3 (d) The provider of an electronic communications service or
4 the provider of a remote computing service shall release the copy to
5 the requesting authorized peace officer not earlier than the 14th
6 day after the date of the peace officer's notice to the subscriber
7 or customer if the [~~service~~] provider has not:

8 (1) initiated proceedings to challenge the request of
9 the peace officer for the copy; or

10 (2) received notice from the subscriber or customer
11 that the subscriber or customer has initiated proceedings to
12 challenge the request.

13 (e) The provider of an electronic communications service or
14 the provider of a remote computing service may not destroy or permit
15 the destruction of the copy until the electronic customer data
16 [~~information~~] has been delivered to the applicable [~~designated~~] law
17 enforcement [~~office or~~] agency or until the resolution of any court
18 proceedings, including appeals of any proceedings, relating to the
19 subpoena or court order requesting the creation of the copy,
20 whichever occurs last.

21 (f) An authorized peace officer who reasonably believes
22 that notification to the subscriber or customer of the subpoena or
23 court order would result in the destruction of or tampering with
24 electronic customer data [~~information~~] sought may request the
25 creation of a copy of the data [~~information~~]. The peace officer's
26 belief is not subject to challenge by the subscriber or customer or
27 by a [~~service~~] provider of an electronic communications service or

1 a provider of a remote computing service.

2 (g)(1) A subscriber or customer who receives notification
3 as described in Subsection (c) [~~of this section~~] may file a written
4 motion to quash the subpoena or vacate the court order in the court
5 that issued the subpoena or court order not later than the 14th day
6 after the date of the receipt of the notice. The motion must
7 contain an affidavit or sworn statement stating [~~that~~]:

8 (A) that the applicant is a subscriber or
9 customer of the provider of an electronic communications service or
10 the provider of a remote computing service from which the
11 electronic customer data held in [~~contents of~~] electronic storage
12 [~~communications stored~~] for the subscriber or customer has [~~have~~]
13 been sought; and

14 (B) the applicant's reasons for believing that
15 the customer data [~~information~~] sought is not relevant to a
16 legitimate law enforcement inquiry or that there has not been
17 substantial compliance with the provisions of this article in some
18 other respect.

19 (2) The subscriber or customer shall give written
20 notice to the provider of an electronic communications service or
21 the provider of a remote computing service of the challenge to the
22 subpoena or court order. The authorized peace officer [~~or~~
23 ~~designated law enforcement office or agency~~] requesting the
24 subpoena or court order must [~~shall~~] be served a copy of the papers
25 filed by personal delivery or by registered or certified mail.

26 (h)(1) The court shall order the authorized peace officer to
27 file a sworn response to the motion filed by the subscriber or

1 customer if the court determines that the subscriber or customer
2 has complied with the requirements of Subsection (g) [~~of this~~
3 ~~section~~]. On request of the peace officer, the court may permit the
4 response to be filed in camera. The court may conduct any
5 additional proceedings the court considers appropriate if the court
6 is unable to make a determination on the motion on the basis of the
7 parties' initial allegations and response.

8 (2) The court shall rule on the motion as soon after
9 the filing of the officer's response as practicable. The court
10 shall deny the motion if the court finds that the applicant is not
11 the subscriber or customer whose electronic customer data held in
12 electronic storage is [~~stored communications are~~] the subject of
13 the subpoena or court order or that there is reason to believe that
14 the peace officer's inquiry is legitimate and that the customer
15 data [~~communications~~] sought is [~~are~~] relevant to that inquiry.
16 The court shall quash the subpoena or vacate the order if the court
17 finds that the applicant is the subscriber or customer whose data is
18 [~~stored communications are~~] the subject of the subpoena or court
19 order and that there is not a reason to believe that the data is
20 [~~communications sought are~~] relevant to a legitimate law
21 enforcement inquiry or that there has not been substantial
22 compliance with the provisions of this article.

23 (3) A court order denying a motion or application
24 under this section is not a final order and no interlocutory appeal
25 may be taken from the denial.

26 SECTION 9. Section 8, Article 18.21, Code of Criminal
27 Procedure, is amended to read as follows:

1 Sec. 8. PRECLUSION OF NOTIFICATION. (a) An [~~When an~~]
2 authorized peace officer seeking electronic customer data
3 [~~information~~] under Section 4 [~~of this article is not required to~~
4 ~~give notice to the subscriber or customer or is delaying~~
5 ~~notification under Section 7 of this article, the peace officer]~~
6 may apply to the court for an order commanding the service provider
7 to whom a warrant, subpoena, or court order is directed not to
8 disclose to any [~~other~~] person the existence of the warrant,
9 subpoena, or court order. The order is effective for the period the
10 court considers appropriate. The court shall enter the order if the
11 court determines that there is reason to believe that notification
12 of the existence of the warrant, subpoena, or court order will have
13 an adverse result [~~as described in Section 7(c) of this article~~].

14 (b) In this section, an "adverse result" means:

15 (1) endangering the life or physical safety of an
16 individual;

17 (2) flight from prosecution;

18 (3) destruction of or tampering with evidence;

19 (4) intimidation of a potential witness; or

20 (5) otherwise seriously jeopardizing an investigation
21 or unduly delaying a trial.

22 SECTION 10. Sections 9(a) and (b), Article 18.21, Code of
23 Criminal Procedure, are amended to read as follows:

24 (a) Except as provided by Subsection (c) of this section, an
25 authorized peace officer who obtains electronic customer data under
26 Section 4 or other information under this article shall reimburse
27 the person assembling or providing the data or information for all

1 costs that are reasonably necessary and that have been directly
2 incurred in searching for, assembling, reproducing, or otherwise
3 providing the data or information. These costs include costs
4 arising from necessary disruption of normal operations of a
5 provider of an electronic communications service or a provider of a
6 remote computing service in which the electronic customer data may
7 be held in electronic storage or in which the other information may
8 be stored.

9 (b) The authorized peace officer and the person providing
10 the electronic customer data or other information may agree on the
11 amount of reimbursement. If there is no agreement, the court that
12 issued the order for production of the data or information shall
13 determine the amount. If no court order was issued for production
14 of the data or information, the court before which the criminal
15 prosecution relating to the data or information would be brought
16 shall determine the amount.

17 SECTION 11. Section 10, Article 18.21, Code of Criminal
18 Procedure, is amended to read as follows:

19 Sec. 10. NO CAUSE OF ACTION. A subscriber or customer of a
20 provider of an [~~wire or~~] electronic communications service or a
21 provider of a remote computing service does not have a cause of
22 action against a provider or [~~wire or electronic communications or~~
23 ~~remote computing service,~~] its officers, employees, or agents[~~7~~] or
24 against other specified persons for providing information,
25 facilities, or assistance as required by a court order, warrant,
26 subpoena, or certification under this article.

27 SECTION 12. Section 12(a), Article 18.21, Code of Criminal

1 Procedure, is amended to read as follows:

2 (a) Except as provided by Section 10 of this article, a
3 provider of an electronic communications service or a provider of a
4 remote computing service, or a subscriber or customer of that
5 provider, that is [~~an electronic communications service~~] aggrieved
6 by a violation of this article has a civil cause of action if the
7 conduct constituting the violation was committed knowingly or
8 intentionally and is entitled to:

9 (1) injunctive relief;

10 (2) a reasonable attorney's fee and other litigation
11 costs reasonably incurred; and

12 (3) the sum of the actual damages suffered and any
13 profits made by the violator as a result of the violation or \$1,000,
14 whichever is more.

15 SECTION 13. Section 7, Article 18.21, Code of Criminal
16 Procedure, is repealed.

17 SECTION 14. This Act takes effect immediately if it
18 receives a vote of two-thirds of all the members elected to each
19 house, as provided by Section 39, Article III, Texas Constitution.
20 If this Act does not receive the vote necessary for immediate
21 effect, this Act takes effect September 1, 2013.

President of the Senate

Speaker of the House

I certify that H.B. No. 2268 was passed by the House on May 7, 2013, by the following vote: Yeas 129, Nays 0, 3 present, not voting; that the House concurred in Senate amendments to H.B. No. 2268 on May 24, 2013, by the following vote: Yeas 142, Nays 0, 2 present, not voting; and that the House adopted H.C.R. No. 212 authorizing certain corrections in H.B. No. 2268 on May 27, 2013, by the following vote: Yeas 148, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2268 was passed by the Senate, with amendments, on May 22, 2013, by the following vote: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 212 authorizing certain corrections in H.B. No. 2268 on May 27, 2013, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor