

## **BILL ANALYSIS**

Senate Research Center

H.B. 1728  
By: Madden (Whitmire)  
Criminal Justice  
5/11/2009  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This legislation amends the Government Code and seeks to enable the inspector general of the Texas Department of Criminal Justice (inspector general) to obtain needed information in an orderly and regular fashion to identify individuals who have provided offenders with cell phones and to facilitate the prosecution of those individuals. The bill permits the inspector general to issue an administrative subpoena for communication records that are material to certain criminal investigations.

This new authority may further enable the inspector general to thwart criminal activity and escape attempts.

H.B. 1728 authorizes the inspector general to issue an administrative subpoena for communication records that are material to certain criminal investigations.

### **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 Chapter 493, Government Code, by adding Section 493.0191, as follows:

Sec. 493.0191. ADMINISTRATIVE SUBPOENAS. (a) Authorizes the inspector general of the Texas Department of Criminal Justice to issue an administrative subpoena to a communications common carrier or an electronic communications service provider to compel the production of the carrier's or service provider's business records that disclose information about the carrier's or service provider's customers or users of the services offered by the carrier or service provider and are material to a criminal investigation of an escape or a potential escape or a violation of Section 31.11 (Prohibited Substances and Items in Adult or Juvenile Correctional or Detention Facility or on Property of Texas Department of Criminal Justice or Texas Youth Commission), Penal Code.

(b) Defines "communications common carrier" and "electronic communications services provider."

SECTION 2. Effective date: September 1, 2009.