BILL ANALYSIS

Senate Research Center
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S.B. 537
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 18.20 (Interception and Use of Wire, Oral, or Electronic Communications) of the Code of Criminal Procedure currently allows only a district or higher-level judge to approve emergency applications for wire taps.

Throughout the state, there are nine administrative judicial judges who are appointed by the presiding judge of the Court of Criminal Appeals. Because of the increased need for wire taps and the authority of the nine administrative judicial district judges throughout the state to approve extended-term wire taps, law enforcement would benefit greatly from the ability to seek emergency wire tap approval through those nine administrative judicial district judges.

As proposed, S.B. 537 expands the allowable range of judges who may approve emergency interception of wire, oral, or electronic communications to include judges of competent jurisdiction.

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 Section 8A(b), Article 18.20, Code of Criminal Procedure, to authorize a peace officer to possess, install, operate, or monitor an electronic, mechanical, or other device to intercept wire, oral, or electronic communications if the officer obtains oral or written consent to the interception before beginning the interception from a judge of competent jurisdiction. Makes nonsubstantive changes.

SECTION 2. Makes application of Section 8A(b), Article 18.20, Code of Criminal Procedure, of this Act prospective. Provides that an interception of a wire, oral, or electronic communication in an immediate life-threatening situation that occurred before the effective date of this Act is covered by the law in effect on the date the life-threatening situation occurred, and the former law is continued in effect for that purpose.

SECTION 3. Effective date: September 1, 2009.