

SUBJECT: Nonsubstantive revision of parts of the Code of Criminal Procedure

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Hunter

WITNESSES: For — None

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association (TDCAA); Jessica Connaughton, Texas Legislative Council

BACKGROUND: The 83rd Legislature's Select Committee on Criminal Procedure recommended that parts of the Code of Criminal Procedure undergo nonsubstantive revisions each legislative session. The Texas Legislative Council performs this function, authorized under Government Code, sec. 323.007, revising Texas statutes periodically to make them more accessible, understandable, and usable without altering their sense, meaning, or effect. As part of this process, the Legislative Council reclassifies and rearranges statutes in a more logical order; employs a numbering system and format that will accommodate future expansion of the law; and eliminates repealed, invalid, and duplicative provisions.

DIGEST: HB 2931 would make nonsubstantive revisions to parts of the Code of Criminal Procedure.

The bill would revise Code of Criminal Procedure, art. 18.20 on the detection, interception, and use of wire, oral, or electronic communications and art. 18.21 on pen registers and trap and trace devices, access to stored communications, and mobile tracking devices. These articles would be placed into two new chapters, Chapter 18A: Detection,

Interception, and Use of Wire, Oral, and Electronic Communications and Chapter 18B: Installation and Use of Tracking Equipment; Access to Communications. Articles 18.20 and 18.21 would be repealed.

The bill also would revise ch. 60 on the criminal history record system and ch. 61 on the compilation of information on criminal combinations and criminal street gangs. These chapters would be placed into new chapters called Chapter 66: Criminal History Record System and Chapter 67: Compilation of Information Pertaining to Combinations and Criminal Street Gangs. Chapters 60 and 61 would be repealed.

HB 2931 would make conforming changes to other laws.

The bill would take effect April 1, 2019.

NOTES:

A companion bill, SB 1856 by Whitmire, was referred to the Senate Committee on Criminal Justice on March 23.