relating to creating an exception to the offense of unlawful installation of a tracking device.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 16.06, Penal Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) It is an affirmative defense to prosecution under this section that the person:

(1) obtained the effective consent of the owner or lessee of the motor vehicle before the electronic or mechanical tracking device was installed;

(2) [was a peace officer who installed the device in the course of a criminal investigation or pursuant to an order of a court to gather information for a law enforcement agency;]

(3) [assisted another whom the person reasonably believed to be a peace officer authorized to install the device in the course of a criminal investigation or pursuant to an order of a court to gather information for a law enforcement agency; or]

(3) [was a private investigator licensed under Chapter 1702, Occupations Code, who installed the device:

(A) with written consent:

(1) to install the device given by the owner or lessee of the motor vehicle; and

(2) to enter private residential property, if that entry was necessary to install the device, given by the owner or lessee of the property; or

(B) pursuant to an order of or other authorization from a court to gather information.

(e) This section does not apply to a peace officer who installed the device in the course of a criminal investigation or pursuant to an order of a court to gather information for a law enforcement agency.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on April 29, 2009: Yeas 141, Nays 0, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 1659 on May 29, 2009: Yeas 141, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 27, 2009: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 1659 on May 31, 2009: Yeas 31, Nays 0.
CHAPTER 1123
H.B. No. 1787
AN ACT
relating to the designation or appointment of registered agents for service of process, notice, or demand on certain entities or associations.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter E, Chapter 5, Business Organizations Code, is amended by adding Section 5.200 to read as follows:
Sec. 5.200. DEFINITIONS. In this subchapter:

(1) "Registered agent filing" means:
(A) the certificate of formation or similar organizational document of a domestic represented entity;
(B) the application for registration of a foreign represented entity;
(C) an appointment of agent by an unincorporated nonprofit association under Section 252.011;
(D) an appointment of agent by a Texas financial institution under Section 201.103, Finance Code;
(E) an appointment of agent by a defense base development authority under Section 379B.004(b), Local Government Code;
(F) a statement by a represented entity to change the entity's registered agent, registered office, or both;
(G) a certificate of merger or certificate of conversion;
(H) a certificate of amendment to the certificate of formation or similar organizational document or the registration of a represented entity;
(I) a restated certificate of formation or similar organizational document of a represented entity;
(J) any other instrument that is required or permitted by law to be filed by a represented entity that effects a change or correction to the instruments listed in Paragraphs (A)-(I); and
(K) a certificate of reinstatement filed under Chapter 9 or 11.

(2) "Represented domestic entity" means:
(A) a filing entity;
(B) an unincorporated nonprofit association for which an appointment of agent has been filed;
(C) a Texas financial institution for which an appointment of agent has been filed;
(D) a defense base development authority for which an appointment of agent has been filed; or
(E) any corporation, association, or other organization incorporated or organized under any special statute of this state, that is governed wholly or partly by this code, or to which the general corporate laws are applicable.

(3) "Represented entity" means a represented domestic entity or represented foreign entity.

(4) "Represented foreign entity" means:
(A) a foreign filing entity for which a registration has been filed;