

BILL ANALYSIS

Senate Research Center
79R11450 UM-D

H.B. 3353
By: Driver (Estes)
Criminal Justice
5/1/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Article 18.20, Code of Criminal Procedure, allows the Department of Public Safety (DPS) to use wire intercepts as an investigative tool. Section 16.02(h), Penal Code, makes it a crime to use wire taps and similar surveillance techniques in an unauthorized manner. Both the article and section are due to sunset on September 1, 2005. These sunset provisions have been extended in the past. If the provisions had been enacted, DPS would have lost all authority to use wire intercepts and surveillance techniques.

H.B. 3353 repeals Section 18, Article 18.20, Code of Criminal Procedure, and Section 16.02(h), Penal Code, to ensure against future oversights.

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. Repealer: Section 16.02(h) (expiration date of Section 16.02, Unlawful Interception, Use, or Disclosure of Wire, Oral, or Electronic Communications), Penal Code.

SECTION 2. Repealer: Section 18 (expiration date of Article 18.20, Interception and Use of Wire, Oral, or Electronic Communications), Article 18.20, Code of Criminal Procedure.

SECTION 3. Effective date: upon passage or September 1, 2005.