

By: Guillen

H.B. No. 2089

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers and duties of the office of the attorney
3 general with respect to certain laws governing the installation and
4 use of tracking equipment and access to certain communications.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 18B.001(4), Code of Criminal Procedure,
7 is amended to read as follows:

8 (4) "Designated law enforcement office or agency"
9 means:

10 (A) the sheriff's department of a county with a
11 population of 3.3 million or more;

12 (B) a police department in a municipality with a
13 population of 200,000 or more; ~~[or]~~

14 (C) the office of inspector general of the Texas
15 Department of Criminal Justice; or

16 (D) a division or section of the office of the
17 attorney general that conducts criminal investigations.

18 SECTION 2. Article 18B.252(b), Code of Criminal Procedure,
19 is amended to read as follows:

20 (b) If the director of the department or the director's
21 designee approves the policy submitted under Article 18B.251, the
22 inspector general of the Texas Department of Criminal Justice or
23 the inspector general's designee, the attorney general or the
24 attorney general's designee, or the sheriff or chief of a

1 designated law enforcement agency or the sheriff's or chief's
2 designee, as applicable, shall submit to the director a written
3 list of all peace officers in the designated law enforcement office
4 or agency who are authorized to possess, install, operate, or
5 monitor pen registers, ESN readers, or similar equipment.

6 SECTION 3. Article 18B.302(a), Code of Criminal Procedure,
7 is amended to read as follows:

8 (a) The inspector general of the Texas Department of
9 Criminal Justice, the attorney general, or the sheriff or chief of a
10 designated law enforcement agency, as applicable, shall submit to
11 the director of the department a written report of expenditures
12 made by the designated law enforcement office or agency to purchase
13 and maintain a pen register, ESN reader, or similar equipment
14 authorized under this chapter.

15 SECTION 4. Article 18B.451, Code of Criminal Procedure, is
16 amended to read as follows:

17 Art. 18B.451. SUBPOENA AUTHORITY. The director of the
18 department or the director's designee, the inspector general of the
19 Texas Department of Criminal Justice or the inspector general's
20 designee, the attorney general or the attorney general's designee,
21 or the sheriff or chief of a designated law enforcement agency or
22 the sheriff's or chief's designee may issue an administrative
23 subpoena to a communication common carrier or a provider of an
24 electronic communications service to compel the production of any
25 carrier's or service provider's business records that:

26 (1) disclose information about:

27 (A) the carrier's or service provider's

1 customers; or

2 (B) users of the services offered by the carrier
3 or service provider; and

4 (2) are material to a criminal investigation.

5 SECTION 5. Article 18B.452, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later
8 than the 30th day after the date on which an administrative subpoena
9 is issued under Article 18B.451, the inspector general of the Texas
10 Department of Criminal Justice, the attorney general, or the
11 sheriff or chief of a designated law enforcement agency, as
12 applicable, shall report to the department the issuance of the
13 subpoena.

14 SECTION 6. This Act takes effect September 1, 2023.