

1-1 By: Deuell S.B. No. 1411
1-2 (In the Senate - Filed March 13, 2003; March 20, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 9, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; May 9, 2003, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1411 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to electronic surveillance.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsections (a) and (c), Section 16.02, Penal
1-13 Code, are amended to read as follows:

1-14 (a) In this section, "computer trespasser," "covert entry,"
1-15 "communication common carrier," "contents," "electronic
1-16 "communication," "electronic, mechanical, or other device,"
1-17 "immediate life-threatening situation," "intercept,"
1-18 "investigative or law enforcement officer," "member of a law
1-19 "enforcement unit specially trained to respond to and deal with
1-20 "life-threatening situations," "oral communication," "protected
1-21 "computer," [~~"electronic communication"~~] "readily accessible to
1-22 "the general public," and "wire communication" have the meanings
1-23 given those terms in Article 18.20, Code of Criminal Procedure.

1-24 (c) It is an affirmative defense to prosecution under
1-25 Subsection (b) that:

1-26 (1) an operator of a switchboard or an officer,
1-27 employee, or agent of a communication common carrier whose
1-28 facilities are used in the transmission of a wire or electronic
1-29 communication intercepts a communication or discloses or uses an
1-30 intercepted communication in the normal course of employment while
1-31 engaged in an activity that is a necessary incident to the rendition
1-32 of service or to the protection of the rights or property of the
1-33 carrier of the communication, unless the interception results from
1-34 the communication common carrier's use of service observing or
1-35 random monitoring for purposes other than mechanical or service
1-36 quality control checks;

1-37 (2) an officer, employee, or agent of a communication
1-38 common carrier provides information, facilities, or technical
1-39 assistance to an investigative or law enforcement officer who is
1-40 authorized as provided by this section [~~article~~] to intercept a
1-41 wire, oral, or electronic communication;

1-42 (3) a person acting under color of law intercepts:

1-43 (A) a wire, oral, or electronic communication, if
1-44 the person is a party to the communication or if one of the parties
1-45 to the communication has given prior consent to the interception;

1-46 (B) a wire, oral, or electronic communication, if
1-47 the person is acting under the authority of Article 18.20, Code of
1-48 Criminal Procedure; or

1-49 (C) a wire or electronic communication made by a
1-50 computer trespasser and transmitted to, through, or from a
1-51 protected computer, if:

1-52 (i) the interception did not acquire a
1-53 communication other than one transmitted to or from the computer
1-54 trespasser;

1-55 (ii) the owner of the protected computer
1-56 consented to the interception of the computer trespasser's
1-57 communications on the protected computer; and

1-58 (iii) the actor was lawfully engaged in an
1-59 ongoing criminal investigation and the actor had reasonable
1-60 suspicion to believe that the contents of the computer trespasser's
1-61 communications likely to be obtained would be material to the
1-62 investigation;

1-63 (4) a person not acting under color of law intercepts a

2-1 wire, oral, or electronic communication, if:

2-2 (A) the person is a party to the communication;

2-3 or

2-4 (B) [~~if~~] one of the parties to the communication
2-5 has given prior consent to the interception, unless the
2-6 communication is intercepted for the purpose of committing an
2-7 unlawful [~~any criminal or tortious act in violation of the~~
2-8 ~~constitution or laws of the United States or of this state or for~~
2-9 ~~the purpose of committing any other injurious~~] act;

2-10 (5) a person acting under color of law intercepts a
2-11 wire, oral, or electronic communication if:

2-12 (A) oral or written consent for the interception
2-13 is given by a magistrate before the interception;

2-14 (B) an immediate life-threatening situation
2-15 exists;

2-16 (C) the person is a member of a law enforcement
2-17 unit specially trained to:

2-18 (i) respond to and deal with
2-19 life-threatening situations; or

2-20 (ii) install electronic, mechanical, or
2-21 other devices; and

2-22 (D) the interception ceases immediately on
2-23 termination of the life-threatening situation;

2-24 (6) an officer, employee, or agent of the Federal
2-25 Communications Commission intercepts a communication transmitted
2-26 by radio or discloses or uses an intercepted communication in the
2-27 normal course of employment and in the discharge of the monitoring
2-28 responsibilities exercised by the Federal Communications
2-29 Commission in the enforcement of Chapter 5, Title 47, United States
2-30 Code;

2-31 (7) a person intercepts or obtains access to an
2-32 electronic communication that was made through an electronic
2-33 communication system that is configured to permit the communication
2-34 to be readily accessible to the general public;

2-35 (8) a person intercepts radio communication, other
2-36 than a cordless telephone communication that is transmitted between
2-37 a cordless telephone handset and a base unit, that is transmitted:

2-38 (A) by a station for the use of the general
2-39 public;

2-40 (B) to ships, aircraft, vehicles, or persons in
2-41 distress;

2-42 (C) by a governmental, law enforcement, civil
2-43 defense, private land mobile, or public safety communications
2-44 system that is readily accessible to the general public, unless the
2-45 radio communication is transmitted by a law enforcement
2-46 representative to or from a mobile data terminal;

2-47 (D) by a station operating on an authorized
2-48 frequency within the bands allocated to the amateur, citizens band,
2-49 or general mobile radio services; or

2-50 (E) by a marine or aeronautical communications
2-51 system;

2-52 (9) a person intercepts a wire or electronic
2-53 communication the transmission of which causes harmful
2-54 interference to a lawfully operating station or consumer electronic
2-55 equipment, to the extent necessary to identify the source of the
2-56 interference;

2-57 (10) a user of the same frequency intercepts a radio
2-58 communication made through a system that uses frequencies monitored
2-59 by individuals engaged in the provision or the use of the system, if
2-60 the communication is not scrambled or encrypted; or

2-61 (11) a provider of electronic communications service
2-62 records the fact that a wire or electronic communication was
2-63 initiated or completed in order to protect the provider, another
2-64 provider furnishing service towards the completion of the
2-65 communication, or a user of that service from fraudulent, unlawful,
2-66 or abusive use of the service.

2-67 SECTION 2. Section 1, Article 18.20, Code of Criminal
2-68 Procedure, is amended by amending Subdivisions (14) and (22) and
2-69 adding Subdivisions (24), (25), and (26) to read as follows:

3-1 (14) "Pen register," "ESN reader," "trap and trace
3-2 device," and "mobile tracking device" have the meanings assigned by
3-3 Article 18.21 ~~[means a device that attaches to a telephone line and~~
3-4 ~~records or decodes electronic or other impulses to identify numbers~~
3-5 ~~dialed or otherwise transmitted on the telephone line. The term~~
3-6 ~~does not include a device used by a provider or customer of:~~

3-7 [~~(A) a wire or electronic communication service~~
3-8 ~~for purposes of charging a fee for the service; or~~

3-9 [~~(B) a wire communication service during the~~
3-10 ~~ordinary course of the provider's or customer's business, including~~
3-11 ~~cost accounting and security control].~~

3-12 (22) "Immediate life-threatening situation" means a
3-13 hostage, barricade, or other ~~[similar]~~ emergency situation in which
3-14 a person unlawfully and [human life is] directly:

3-15 (A) threatens another with death; or

3-16 (B) exposes another to a substantial risk of
3-17 serious bodily injury [threatened].

3-18 (24) "Access," "computer," "computer network,"
3-19 "computer system," and "effective consent" have the meanings
3-20 assigned by Section 33.01, Penal Code.

3-21 (25) "Computer trespasser" means a person who:

3-22 (A) is accessing a protected computer without
3-23 effective consent of the owner; and

3-24 (B) has no reasonable expectation of privacy in
3-25 any communication transmitted to, through, or from the protected
3-26 computer. The term does not include a person who accesses the
3-27 computer under an existing contractual relationship with the owner
3-28 or operator of the protected computer.

3-29 (26) "Protected computer" means a computer, computer
3-30 network, or computer system that is:

3-31 (A) owned by a financial institution or
3-32 governmental entity; or

3-33 (B) used by or for a financial institution or
3-34 governmental entity and conduct constituting an offense affects
3-35 that use.

3-36 SECTION 3. Section 4, Article 18.20, Code of Criminal
3-37 Procedure, is amended to read as follows:

3-38 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.
3-39 A judge of competent jurisdiction may issue an order authorizing
3-40 interception of wire, oral, or electronic communications only if
3-41 the prosecutor applying for the order shows probable cause to
3-42 believe that the interception will provide evidence of the
3-43 commission of:

3-44 (1) a felony under Section 19.03(a)(3) or Section
3-45 43.26, Penal Code;

3-46 (2) a felony under:

3-47 (A) Chapter 481, Health and Safety Code, other
3-48 than felony possession of marihuana;

3-49 (B) Section 485.033, Health and Safety Code; or

3-50 (C) Chapter 483, Health and Safety Code; or

3-51 (3) an attempt, conspiracy, or solicitation to commit
3-52 an offense listed in this section.

3-53 SECTION 4. Subsection (a), Section 7, Article 18.20, Code
3-54 of Criminal Procedure, is amended to read as follows:

3-55 (a) An investigative or law enforcement officer who, by any
3-56 means authorized by this article, obtains knowledge of the contents
3-57 of a wire, oral, or electronic communication or evidence derived
3-58 from the communication may disclose the contents or evidence to
3-59 another investigative or law enforcement officer, including a
3-60 federal law enforcement officer or agent or a law enforcement
3-61 officer or agent of another state, to the extent that the disclosure
3-62 is appropriate to the proper performance of the official duties of
3-63 the officer making or receiving the disclosure.

3-64 SECTION 5. Section 8A, Article 18.20, Code of Criminal
3-65 Procedure, is amended by amending Subsections (b), (c), and (e) and
3-66 adding Subsection (g) to read as follows:

3-67 (b) A peace officer designated under Subsection (a) or under
3-68 Section 5(b) may possess, install, operate, or monitor an
3-69 electronic, mechanical, or other device to intercept wire, oral, or

4-1 electronic communications if the officer:

4-2 (1) reasonably believes an immediate life-threatening
4-3 situation exists that:

4-4 (A) is within the territorial jurisdiction of the
4-5 officer or another officer the officer is assisting; and

4-6 (B) requires interception of communications
4-7 before an order authorizing the interception can, with due
4-8 diligence, be obtained under this section;

4-9 (2) reasonably believes there are sufficient grounds
4-10 under this section on which to obtain an order authorizing the
4-11 interception; and

4-12 (3) obtains ~~[from a magistrate]~~ oral or written
4-13 consent to the interception before beginning the interception from:

4-14 (A) a district judge for the county in which the
4-15 device will be installed or used; or

4-16 (B) a judge or justice of a court of appeals or of
4-17 a higher court.

4-18 (c) An official described in Subsection (b)(3) [A
4-19 magistrate] may give oral or written consent to the interception of
4-20 communications under this section to provide evidence of the
4-21 commission of a felony, or of a threat, attempt, or conspiracy to
4-22 commit a felony, in an immediate life-threatening situation. Oral
4-23 or written consent given under this section expires 48 hours after
4-24 the grant of consent or at the conclusion of the emergency
4-25 justifying the interception, whichever occurs first.

4-26 (e) A judge of competent jurisdiction under Section 3 or
4-27 under Subsection (b) may issue a written [an] order authorizing
4-28 interception of communications under this section during the
4-29 48-hour period prescribed by Subsection (d)(2). A written order
4-30 under this section expires on the 30th day after execution of the
4-31 order or at the conclusion of the emergency that initially
4-32 justified the interception, whichever occurs first. If an order is
4-33 denied or is not issued within the 48-hour period, the officer shall
4-34 terminate use of and remove the device promptly on the earlier of:

4-35 (1) the denial;

4-36 (2) the end of the emergency that initially justified
4-37 the interception; or

4-38 (3) the expiration of 48 hours.

4-39 (g) A peace officer may certify to a communications common
4-40 carrier that the officer is acting lawfully under this section.

4-41 SECTION 6. Subsection (c), Section 9, Article 18.20, Code
4-42 of Criminal Procedure, is amended to read as follows:

4-43 (c) On request of the applicant for an order authorizing the
4-44 interception of a wire, oral, or electronic communication, the
4-45 judge may issue a separate order directing that a provider of wire
4-46 or electronic communications service, a communication common
4-47 carrier, landlord, custodian, or other person furnish the applicant
4-48 all information, facilities, and technical assistance necessary to
4-49 accomplish the interception unobtrusively and with a minimum of
4-50 interference with the services that the provider, carrier,
4-51 landlord, custodian, or other person is providing the person whose
4-52 communications are to be intercepted. Any provider of wire or
4-53 electronic communications service, communication common carrier,
4-54 landlord, custodian, or other person furnishing facilities or
4-55 technical assistance is entitled to compensation by the applicant
4-56 for reasonable expenses incurred in providing the facilities or
4-57 assistance at the prevailing rates. The interception order may
4-58 include an order to:

4-59 (1) install or use a pen register, ESN reader, trap and
4-60 trace device, or mobile tracking device or similar equipment that
4-61 combines the function of a pen register and trap and trace device;
4-62 or

4-63 (2) disclose a stored communication, information
4-64 subject to an administrative subpoena, or information subject to
4-65 access under Article 18.21.

4-66 SECTION 7. Section 16, Article 18.20, Code of Criminal
4-67 Procedure, is amended by adding Subsection (g) to read as follows:

4-68 (g) A computer trespasser or a user, aggrieved person,
4-69 subscriber, or customer of a communications common carrier or

5-1 electronic communications service does not have a cause of action
5-2 against the carrier or service, its officers, employees, or agents,
5-3 or other specified persons for providing information, facilities,
5-4 or assistance as required by a good faith reliance on:

5-5 (1) legislative authority; or

5-6 (2) a court order, warrant, subpoena, or certification
5-7 under this article.

5-8 SECTION 8. Section 1, Article 18.21, Code of Criminal
5-9 Procedure, is amended to read as follows:

5-10 Sec. 1. DEFINITIONS. In this article:

5-11 (1) "Aural transfer," "communication common carrier,"
5-12 "computer trespasser," "electronic communication," "electronic
5-13 communications service," "electronic communications system,"
5-14 "electronic storage," "immediate life-threatening situation,"
5-15 "member of a law enforcement unit specially trained to respond to
5-16 and deal with life-threatening situations," [~~"pen register,"~~
5-17 "readily accessible to the general public," "user," and "wire
5-18 communication" have the meanings assigned by Article 18.20.

5-19 (2) "Authorized peace officer" means:

5-20 (A) a sheriff or a sheriff's deputy;

5-21 (B) a constable or deputy constable;

5-22 (C) a marshal or police officer of an
5-23 incorporated city [~~, town, or village~~];

5-24 (D) a ranger or officer commissioned by the Public
5-25 Safety Commission or the director of the Department of Public
5-26 Safety;

5-27 (E) an investigator of a prosecutor's [~~the~~
5-28 ~~district attorney's, criminal district attorney's, or county~~
5-29 ~~attorney's~~] office;

5-30 (F) a law enforcement agent of the Alcoholic
5-31 Beverage Commission;

5-32 (G) a law enforcement officer commissioned by the
5-33 Parks and Wildlife Commission; or

5-34 (H) an enforcement officer appointed by the
5-35 executive director of [~~employed by~~] the Texas Department of
5-36 Criminal Justice under [~~pursuant to~~] Section 493.019, Government
5-37 Code.

5-38 (3) "Department" means the Department of Public
5-39 Safety.

5-40 (4) "ESN reader" means a device that records the
5-41 electronic serial number from the data track of a wireless
5-42 telephone, cellular telephone, or similar communication device
5-43 that transmits its operational status to a base site, if the device
5-44 does not intercept the contents of a communication.

5-45 (5) "Mobile tracking device" means an electronic or
5-46 mechanical device that permits tracking the movement of a person,
5-47 vehicle, container, item, or object. The term does not include a
5-48 device designed, made, adapted, or capable of:

5-49 (A) intercepting the content of a communication;
5-50 or

5-51 (B) functioning as a pen register, ESN reader,
5-52 trap and trace device, or similar equipment.

5-53 (6) "Pen register" means a device or process that
5-54 records or decodes dialing, routing, addressing, or signaling
5-55 information transmitted by an instrument or facility from which a
5-56 wire or electronic communication is transmitted, if the information
5-57 does not include the contents of the communication. The term does
5-58 not include a device used by a provider or customer of a wire or
5-59 electronic communication service in the ordinary course of the
5-60 provider's or customer's business for purposes of:

5-61 (A) billing or recording as an incident to
5-62 billing for communications services; or

5-63 (B) cost accounting, security control, or other
5-64 ordinary business purpose.

5-65 (7) "Prosecutor" means a district attorney, criminal
5-66 district attorney, or county attorney performing the duties of a
5-67 district attorney.

5-68 (8) "Remote computing service" means the provision to
5-69 the public of computer storage or processing services by means of an

6-1 electronic communications system.

6-2 (9) ~~[(5)]~~ "Supervisory official" means:

6-3 (A) an investigative agent or an assistant
6-4 investigative agent who is in charge of an investigation;

6-5 (B) an equivalent person at an investigating
6-6 agency's headquarters or regional office; and

6-7 (C) the principal prosecuting attorney of the
6-8 state or of a political subdivision of the state or the first
6-9 assistant or chief assistant prosecuting attorney in the office of
6-10 either.

6-11 (10) ~~[(6)]~~ ~~"Tracking device" means an electronic or~~
6-12 ~~mechanical device that permits only tracking the movement of a~~
6-13 ~~person or object.~~

6-14 [(7)] "Trap and trace device" means a device or
6-15 process that records an incoming electronic or other impulse that
6-16 identifies the originating number or other dialing, routing,
6-17 addressing, or signaling information reasonably likely to identify
6-18 the source of ~~[an instrument or device from which]~~ a wire or
6-19 electronic communication, if the information does not include the
6-20 contents of the communication ~~[was transmitted]~~. The term does not
6-21 include a device or telecommunications network used in providing:

6-22 (A) a caller identification service authorized
6-23 by the Public Utility Commission of Texas under Subchapter E,
6-24 Chapter 55, Utilities Code;

6-25 (B) the services referenced in Section
6-26 55.102(b), Utilities Code; or

6-27 (C) a caller identification service provided by a
6-28 commercial mobile radio service provider licensed by the Federal
6-29 Communications Commission.

6-30 ~~[(8)]~~ ~~"ESN reader" means a device that records the~~
6-31 ~~electronic serial number from the data track of a wireless~~
6-32 ~~telephone, cellular telephone, or similar communication device~~
6-33 ~~that transmits its operational status to a base site.~~

6-34 ~~[(9)]~~ ~~"Prosecutor" means a district attorney, criminal~~
6-35 ~~district attorney, or county attorney performing the duties of a~~
6-36 ~~district attorney.]~~

6-37 SECTION 9. Subsections (b) and (c), Section 2, Article
6-38 18.21, Code of Criminal Procedure, are amended to read as follows:

6-39 (b) A prosecutor may file an application under this section
6-40 or under federal law on the prosecutor's own motion or on the
6-41 request of an authorized peace officer, regardless of whether the
6-42 officer is commissioned by the department. A prosecutor who files
6-43 an application on the prosecutor's own motion or who files an
6-44 application for the installation and use of a pen register, ESN
6-45 reader, or similar equipment on the request of an authorized peace
6-46 officer not commissioned by the department must make the
6-47 application personally and may not do so through an assistant or
6-48 some other person acting on the prosecutor's behalf. A prosecutor
6-49 may make an application through an assistant or other person acting
6-50 on the prosecutor's behalf if the prosecutor files an application
6-51 for the installation and use of:

6-52 (1) a pen register, ESN reader, or similar equipment
6-53 on the request of an authorized peace officer who is commissioned by
6-54 the department; or

6-55 (2) a trap and trace device or similar equipment on the
6-56 request of an authorized peace officer, regardless of whether the
6-57 officer is commissioned by the department.

6-58 (c) The application must:

6-59 (1) be made in writing under oath;

6-60 (2) include the name of the subscriber and the
6-61 telephone number and location of the communication device on which
6-62 the pen register, ESN reader, trap and trace device, or similar
6-63 equipment will be used, to the extent that information is known or
6-64 is reasonably ascertainable; and

6-65 (3) state that the installation and use of the device
6-66 or equipment will likely produce information that is ~~[be]~~ material
6-67 to an ongoing criminal ~~[the]~~ investigation ~~[of a criminal offense]~~.

6-68 SECTION 10. Subsections (a) through (f), Section 14,
6-69 Article 18.21, Code of Criminal Procedure, are amended to read as

7-1 follows:

7-2 (a) A district judge may issue an order for the installation
7-3 and use within the judge's judicial district of a [one or more]
7-4 mobile tracking device [devices and for their use].

7-5 (b) The order may authorize the use of a mobile tracking
7-6 device [devices] outside the judicial district but within the
7-7 state, if the device is installed within the district.

7-8 (c) A district judge may issue the order only on the
7-9 application of an authorized peace officer. An application must be
7-10 written and signed and sworn to or affirmed before the judge. The
7-11 affidavit must:

7-12 (1) state the name, department, agency, and address of
7-13 the applicant;

7-14 (2) identify the vehicle, container, or item to which,
7-15 in which, or on which the mobile tracking device is to be attached,
7-16 [or] placed, or otherwise installed;

7-17 (3) [and] state the name of the owner or possessor of
7-18 the [that] vehicle, container, or item described in Subdivision
7-19 (2);

7-20 (4) [(3)] state the judicial jurisdictional area in
7-21 which the vehicle, container, or item described in Subdivision (2)
7-22 is expected to be found; and

7-23 (5) [(4)] state the facts and circumstances that
7-24 provide the applicant with a reasonable suspicion that:

7-25 (A) criminal activity has been, is, or will be
7-26 committed; [in progress] and

7-27 (B) [that] the installation and use of a mobile
7-28 tracking device is [reasonably] likely to produce [yield]
7-29 information that is material [relevant] to an ongoing criminal
7-30 [the] investigation of the [that] criminal activity described in
7-31 Paragraph (A).

7-32 (d) Within [The judge that issued an order shall be notified
7-33 in writing within] 72 hours after the time the mobile tracking
7-34 device was [has been] activated in place on or within the vehicle,
7-35 container, or item, the applicant shall notify in writing the judge
7-36 who issued an order under this section.

7-37 (e) An order under this section [authorizing the use of a
7-38 mobile tracking device] expires not later than the 90th day after
7-39 the date that the device has been activated in place on or within
7-40 the vehicle, container, or item. For good cause shown, the judge
7-41 may grant an extension for an additional 90-day period.

7-42 (f) The applicant shall remove or cause to be removed a [A]
7-43 mobile tracking device [shall be removed] as soon as is practicable
7-44 after the authorization period expires. If removal is not
7-45 practicable, monitoring of the device shall cease on expiration of
7-46 the authorization order.

7-47 SECTION 11. Section 16, Article 18.21, Code of Criminal
7-48 Procedure, is amended to read as follows:

7-49 Sec. 16. LIMITATION. A governmental agency authorized to
7-50 install and use a pen register under this article or other law must
7-51 use reasonably available technology to only record and decode
7-52 electronic or other impulses used to identify the numbers dialed,
7-53 routed, addressed, or otherwise processed or transmitted by a wire
7-54 or electronic communication so as to not include the contents of the
7-55 communication.

7-56 SECTION 12. This Act takes effect September 1, 2003.

7-57 SECTION 13. (a) The changes in law made by this Act by
7-58 amending Subsections (a) and (c), Section 16.02, Penal Code, apply
7-59 only to an offense committed on or after the effective date of this
7-60 Act. For purposes of this section, an offense is committed before
7-61 the effective date of this Act if any element of the offense occurs
7-62 before that date.

7-63 (b) An offense committed before the effective date of this
7-64 Act is covered by the law in effect when the offense was committed,
7-65 and the former law is continued in effect for that purpose.

7-66 SECTION 14. The changes in law made by this Act by amending
7-67 Section 4, Subsection (e), Section 8A, and Section 9, Article
7-68 18.20, and Section 14, Article 18.21, Code of Criminal Procedure,
7-69 apply only to an interception order granted on or after the

8-1 effective date of this Act. An interception order granted before
8-2 the effective date of this Act is covered by the law in effect when
8-3 the order was granted, and the former law is continued in effect for
8-4 that purpose.

8-5 SECTION 15. The changes in law made by this Act by amending
8-6 Subsections (b) and (c), Section 8A, Article 18.20, Code of
8-7 Criminal Procedure, apply only to a request for oral or written
8-8 consent made on or after the effective date of this Act. A request
8-9 for oral or written consent made before the effective date of this
8-10 Act is covered by the law in effect when the order was granted, and
8-11 the former law is continued in effect for that purpose.

8-12

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