

BILL ANALYSIS

Senate Research Center

S.B. 1461
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Criminal Justice
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the Department of Public Safety (DPS) is only authorized to use wiretaps for capital murder with remuneration, felony drug, and child pornography investigations. As enacted by the 67th Legislature, Article 18.20, Code of Criminal Procedure, authorized DPS to conduct court-ordered wire and oral intercepts. It provided an investigative tool to state officers to be utilized in felony drug investigations, excluding felony possession of marijuana. The 77th Legislature amended the Article to add capital murder for remuneration and possession or promotion of child pornography as offenses which application could be made for a wire or oral intercept.

S.B. 1461 would add murder and all capitol murder felonies to the list of authorized uses of a wire or oral interception device.

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. Amends Section 4, Article 18.20, Code of Criminal Procedure, to authorize a judge of competent jurisdiction to issue an order authorizing interception of wire, oral, or electronic communications only if the prosecutor applying for the order shows probable cause to believe that the interception will provide evidence of the commission of a felony under Section 19.02 (Murder), or 19.03 (Capital Murder), rather than Section 19.03 (a)(3), Penal Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2005.