

## **BILL ANALYSIS**

S.B. 1461  
By: Seliger  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, the Department of Public Safety (DPS) is only authorized to use wiretaps for capital murder with remuneration, felony drug, and child pornography investigations.

S.B. 1461 allows a judge to issue an order authorizing interception of wire, oral, or electronic communications for use in murder and capital murder investigations of all murders, in addition to currently authorized uses.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

S.B. 1461 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 of the Penal Code (Murder), Section 19.03 of the Penal Code (Capital Murder), or one of the offenses for which such an order is authorized by current law.

The bill provides that the change in law made by this Act is prospective.

### **EFFECTIVE DATE**

September 1, 2005