

By: Seliger

S.B. No. 1461

A BILL TO BE ENTITLED

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AN ACT

relating to the offenses for which the use of wire, oral, or electronic interception devices may be authorized.

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

SECTION 1. Section 4, Article 18.20, Code of Criminal Procedure, is amended to read as follows:

Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.

A judge of competent jurisdiction may 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:

(1) a felony under Section 19.02, 19.03, [~~19.03(a)(3)~~] or [~~Section~~] 43.26, Penal Code;

(2) a felony under:

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

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

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

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

SECTION 2. The change in law made by this Act applies only to an application for an interception order filed on or after the effective date of this Act. An application for an interception

1 order filed before the effective date of this Act is covered by the
2 law in effect when the application was filed, and the former law is
3 continued in effect for that purpose.

4 SECTION 3. This Act takes effect September 1, 2005.