

1-1 By: Seliger S.B. No. 1461  
1-2 (In the Senate - Filed March 10, 2005; March 21, 2005, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 13, 2005, reported favorably by the following vote: Yeas 5,  
1-5 Nays 0; April 13, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the offenses for which the use of wire, oral, or  
1-9 electronic interception devices may be authorized.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 4, Article 18.20, Code of Criminal  
1-12 Procedure, is amended to read as follows:

1-13 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE AUTHORIZED.  
1-14 A judge of competent jurisdiction may issue an order authorizing  
1-15 interception of wire, oral, or electronic communications only if  
1-16 the prosecutor applying for the order shows probable cause to  
1-17 believe that the interception will provide evidence of the  
1-18 commission of:

1-19 (1) a felony under Section 19.02, 19.03, [19.03(a)(3)]  
1-20 or ~~[Section]~~ 43.26, Penal Code;

1-21 (2) a felony under:

1-22 (A) Chapter 481, Health and Safety Code, other  
1-23 than felony possession of marihuana;

1-24 (B) Section 485.033, Health and Safety Code; or

1-25 (C) Chapter 483, Health and Safety Code; or

1-26 (3) an attempt, conspiracy, or solicitation to commit  
1-27 an offense listed in this section.

1-28 SECTION 2. The change in law made by this Act applies only  
1-29 to an application for an interception order filed on or after the  
1-30 effective date of this Act. An application for an interception  
1-31 order filed before the effective date of this Act is covered by the  
1-32 law in effect when the application was filed, and the former law is  
1-33 continued in effect for that purpose.

1-34 SECTION 3. This Act takes effect September 1, 2005.

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