

Amend SB 823 (house committee printing) as follows:

(1) In the recital to SECTION 3 of the bill (page 2, line 4), strike "and (k)" and substitute "(k), and (l)".

(2) In SECTION 3 of the bill, in amended Section 2, Article 18.21, Code of Criminal Procedure, strike proposed Subsections (i) and (j) (page 3, lines 15-22) and substitute:

(i) A peace officer of a designated police agency is authorized to possess, install, operate, or monitor a pen register, ESN reader, or similar equipment if the officer's name is on the list submitted to the director of the Department of Public Safety under Subsection (k).

(j) Each designated police agency shall:

(1) adopt a written policy governing the application of this article to the agency; and

(2) submit the policy to the director of the Department of Public Safety, or the director's designee, for approval.

(3) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), strike "The" and substitute "If the director of the Department of Public Safety, or the director's designee, approves the policy submitted under Subsection (j), the".

(4) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 23), between "agency" and "shall", insert ", or the chief's designee,".

(5) In SECTION 3 of the bill, in proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (page 3, line 24), strike "of the Department of Public Safety".

(6) In SECTION 3 of the bill, immediately following proposed Subsection (k), Section 2, Article 18.21, Code of Criminal Procedure (between page 3, line 27, and page 4, line 1), insert the following:

(1) The Department of Public Safety may conduct an audit of a designated police agency to ensure compliance with this article.

(7) Strike SECTION 4 of the bill (page 4, lines 1-17).

(8) In SECTION 5 of the bill, in amended Section 15, Article

18.21, Code of Criminal Procedure (page 4, lines 21 and 22), strike "a designated police agency" and substitute "the chief of a designated police agency, or the chief's designee,".

(9) Renumber existing SECTIONS of the bill as appropriate.