

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:

(l) The Department of Public Safety may conduct an audit of a designated police agency to ensure compliance with this article. If the department determines from the audit that the designated police agency is not in compliance with the policy adopted by the

agency under Subsection (j), the department shall notify the agency in writing that it is not in compliance. If the department determines that the agency still is not in compliance with the policy 90 days after the date the agency receives written notice under this subsection, the agency loses the authority granted by this article until:

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

(2) the department approves the written policy.

(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, line 20), between the period and "The director", insert "(a)".

(9) 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,".

(10) In SECTION 5 of the bill, in amended Section 15, Article 18.21, Code of Criminal Procedure (page 5, between lines 2 and 3), insert the following:

(b) Not later than the 30th day after the date on which the administrative subpoena is issued under Subsection (a), the chief of a designated police agency shall report the issuance of the subpoena to the department.

(c) If, based on reports received under Subsection (b), the department determines that a designated police agency is not in compliance with the policy adopted by the agency under Section 2(j), the department shall notify the agency in writing that it is not in compliance. If the department determines that the agency still is not in compliance with the policy 90 days after the date the agency receives written notice under this subsection, the agency loses the authority granted by this article until:

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

(2) the department approves the written policy.

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