

By: Madden

H.B. No. 428

Substitute the following for H.B. No. 428:

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C.S.H.B. No. 428

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of the inspector general of the Texas
3 Department of Criminal Justice to issue administrative subpoenas
4 for certain communication records.

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

6 SECTION 1. Chapter 493, Government Code, is amended by
7 adding Section 493.0191 to read as follows:

8 Sec. 493.0191. ADMINISTRATIVE SUBPOENAS. (a) The
9 inspector general may issue an administrative subpoena to a
10 communications common carrier or an electronic communications
11 service to compel the production of the carrier's or service's
12 business records that:

13 (1) disclose information about:

14 (A) the carrier's or service's customers; or

15 (B) users of the services offered by the carrier
16 or service; and

17 (2) are material to a criminal investigation of a
18 potential escape, violation of Section 38.11, Penal Code, or other
19 offense involving inmates or the operations of the department.

20 (b) In this section:

21 (1) "Communications common carrier" means a person
22 that provides commercial telephone services or a provider that
23 bills customers for those services, regardless of the technology
24 used to provide the service.

1 (2) "Electronic communications service" means a
2 service that provides to users of the service the ability to send or
3 receive wire or electronic communications.

4 SECTION 2. This Act takes effect September 1, 2007.