

BILL ANALYSIS

H.B. 1659
By: King, Phil
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

H.B. 1001, enacted by the 76th Legislature, Regular Session, 1999, created an affirmative defense to prosecution for the offense of unlawful installation of a tracking device for law enforcement officials that install tracking devices on vehicles in the course of criminal investigations or pursuant to a court order for the purpose of gathering information for a law enforcement agency. However, under this statute, it is possible that a law enforcement official acting appropriately in the line of duty can be prosecuted for such an act.

H.B. 1659 removes the affirmative defense to prosecution for the offense of unlawful installation of a tracking device that the person committing the offense was a peace officer who installed the device in the course of a criminal investigation or pursuant to a court order to gather information for a law enforcement agency and provides an exception to the application of the offense that the actor was such a peace officer.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1659 amends the Penal Code to remove the affirmative defense to prosecution for the offense of unlawful installation of a tracking device that the person committing the offense was a peace officer who installed the device in the course of a criminal investigation or pursuant to a court order to gather information for a law enforcement agency and to provide an exception to the application of the offense that the actor was a peace officer who installed the device in the course of a criminal investigation or pursuant to a court order to gather information for a law enforcement agency.

EFFECTIVE DATE

September 1, 2009.