

BILL ANALYSIS

C.S.H.B. 1728
By: Madden
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

This bill seeks to enable the inspector general to obtain needed information in an orderly and regular fashion, to identify individuals who have provided offenders with cell phones, and to facilitate the prosecution of those individuals. This new authority may further enable the inspector general to thwart criminal activity and escape attempts.

C.S.H.B. 1728 permits the inspector general of the Texas Department of Criminal Justice to issue an administrative subpoena for communication records that are material to certain criminal investigations

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

C.S.H.B. 1728 amends the Government Code to authorize the inspector general of the Texas Department of Criminal Justice (TDCJ) to issue an administrative subpoena to a communications common carrier or an electronic communications service to compel the production of the carrier's or service's business records that disclose information about the carrier's or service's customers or users of the services offered by the carrier or service and that are material to a criminal investigation of an escape or a potential escape or a violation of an offense of providing a prohibited substance or item to a person in the custody of certain correctional facilities. The bill defines "communications common carrier" as a person that provides commercial telephone services or a provider that bills customers for those services, regardless of the technology used to provide the service, and "electronic communications service" as a service that provides to users of the service the ability to send or receive wire or electronic communications.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 1728 differs from the original, in the provision authorizing issuance of an administrative subpoena to compel the production of the business records, by including records that are material to a criminal investigation of an escape, in addition to a potential escape or a violation of an offense of providing a prohibited substance or item to a person in the custody of certain correctional facilities, as in the original, and removing records material to a criminal investigation of another offense involving inmates or the operations of TDCJ, which are included in the original.