

By: Madden

H.B. No. 1728

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the inspector general of the Texas Department of Criminal Justice to issue administrative subpoenas for certain communications records.

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

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

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

(1) disclose information about:

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

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

(2) are material to a criminal investigation of an escape or a potential escape or a violation of Section 38.11, Penal Code.

(b) In this section:

(1) "Communications common carrier" means a person that:

(A) for a fee, provides directly to the public or

1 to certain members of the public the ability to transmit between or
2 among points specified by the person who uses that ability,
3 regardless of the technology used, information of the person's
4 choosing without change in the form or content of the information
5 transmitted; or

6 (B) a provider that bills customers for services
7 described by Paragraph (A).

8 (2) "Electronic communications service provider"
9 means a service provider that provides to users of the service the
10 ability to send or receive wire or electronic communications, as
11 those terms are defined by Article 18.20, Code of Criminal
12 Procedure.

13 SECTION 2. This Act takes effect September 1, 2009.