

By: Madden

H.B. No. 1728

Substitute the following for H.B. No. 1728:

By: McReynolds

C.S.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 communication 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 to compel the production of the carrier's or service's business records that:

(1) disclose information about:

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

(B) users of the services offered by the carrier or service; 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 provides commercial telephone services or a provider that bills customers for those services, regardless of the technology 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, 2009.