

AN ACT

relating to the emergency installation and use of a device to intercept wire, oral, or electronic communications.

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

SECTION 1. Subsection (b), Section 8A, Article 18.20, Code of Criminal Procedure, is amended to read as follows:

(b) A peace officer designated under Subsection (a) or under Section 5(b) may possess, install, operate, or monitor an electronic, mechanical, or other device to intercept wire, oral, or electronic communications if the officer:

(1) reasonably believes an immediate life-threatening situation exists that:

(A) is within the territorial jurisdiction of the officer or another officer the officer is assisting; and

(B) requires interception of communications before an order authorizing the interception can, with due diligence, be obtained under this section;

(2) reasonably believes there are sufficient grounds under this section on which to obtain an order authorizing the interception; and

(3) obtains oral or written consent to the interception before beginning the interception from:

(A) a judge of competent jurisdiction;

(B) a district judge for the county in which the

1 device will be installed or used; or

2 (C) [~~(B)~~] a judge or justice of a court of
3 appeals or of a higher court.

4 SECTION 2. The change in law made by this Act to Subsection
5 (b), Section 8A, Article 18.20, Code of Criminal Procedure, applies
6 only to the interception of a wire, oral, or electronic
7 communication in an immediate life-threatening situation that
8 occurs on or after the effective date of this Act. An interception
9 of a wire, oral, or electronic communication in an immediate
10 life-threatening situation that occurred before the effective date
11 of this Act is covered by the law in effect on the date the
12 life-threatening situation occurred, and the former law is
13 continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 537 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; May 29, 2009, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 30, 2009, House granted request of the Senate; May 31, 2009, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 537 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting; May 30, 2009, House granted request of the Senate for appointment of Conference Committee; May 31, 2009, House adopted Conference Committee Report by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor