By: Carona S.B. No. 537

A BILL TO BE ENTITLED

AN ACT

2	relating	to	the	emergency	installation	and	use	of	a	device	to

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

intercept wire, oral, or electronic communications.

- 5 SECTION 1. Subsection (b), Section 8A, Article 18.20, Code
- 6 of Criminal Procedure, is amended to read as follows:
- 7 (b) A peace officer designated under Subsection (a) or under
- 8 Section 5(b) may possess, install, operate, or monitor an
- 9 electronic, mechanical, or other device to intercept wire, oral, or
- 10 electronic communications if the officer:
- 11 (1) reasonably believes an immediate life-threatening
- 12 situation exists that:

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- 13 (A) is within the territorial jurisdiction of the
- 14 officer or another officer the officer is assisting; and
- 15 (B) requires interception of communications
- 16 before an order authorizing the interception can, with due
- 17 diligence, be obtained under this section;
- 18 (2) reasonably believes there are sufficient grounds
- 19 under this section on which to obtain an order authorizing the
- 20 interception; and
- 21 (3) obtains oral or written consent to the
- 22 interception before beginning the interception from:
- 23 (A) a judge of competent jurisdiction;
- 24 (B) a district judge for the county in which the

S.B. No. 537

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

S.B. No. 537

1	COMMITTEE AMENDMENT NO. 1
2	Amend S.B. No. 537 by striking proposed Subsection (b)(3)(A),
3	Section 8A, Article 18.20, Code of Criminal Procedure, on line 23 of
4	page 1, and substituting the following:
5	(A) a presiding judge of an administrative judicial region
6	appointed pursuant to Section 74.005, Government Code;
7	Vaught