

1-1 By: Carona S.B. No. 537
1-2 (In the Senate - Filed January 26, 2009; February 17, 2009,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 8, 2009, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 8, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the emergency installation and use of a device to
1-9 intercept wire, oral, or electronic communications.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (b), Section 8A, Article 18.20, Code
1-12 of Criminal Procedure, is amended to read as follows:

1-13 (b) A peace officer designated under Subsection (a) or under
1-14 Section 5(b) may possess, install, operate, or monitor an
1-15 electronic, mechanical, or other device to intercept wire, oral, or
1-16 electronic communications if the officer:

1-17 (1) reasonably believes an immediate life-threatening
1-18 situation exists that:

1-19 (A) is within the territorial jurisdiction of the
1-20 officer or another officer the officer is assisting; and

1-21 (B) requires interception of communications
1-22 before an order authorizing the interception can, with due
1-23 diligence, be obtained under this section;

1-24 (2) reasonably believes there are sufficient grounds
1-25 under this section on which to obtain an order authorizing the
1-26 interception; and

1-27 (3) obtains oral or written consent to the
1-28 interception before beginning the interception from:

1-29 (A) a judge of competent jurisdiction;

1-30 (B) a district judge for the county in which the
1-31 device will be installed or used; or

1-32 (C) [~~(B)~~] a judge or justice of a court of
1-33 appeals or of a higher court.

1-34 SECTION 2. The change in law made by this Act to Subsection
1-35 (b), Section 8A, Article 18.20, Code of Criminal Procedure, applies
1-36 only to the interception of a wire, oral, or electronic
1-37 communication in an immediate life-threatening situation that
1-38 occurs on or after the effective date of this Act. An interception
1-39 of a wire, oral, or electronic communication in an immediate
1-40 life-threatening situation that occurred before the effective date
1-41 of this Act is covered by the law in effect on the date the
1-42 life-threatening situation occurred, and the former law is
1-43 continued in effect for that purpose.

1-44 SECTION 3. This Act takes effect September 1, 2009.

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