

BILL ANALYSIS

H.B. 812
By: King, Phil
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A recent Texas legislature passed legislation to create a liability protection for a county fire marshal conducting or taking part in an arson investigation from being questioned about the fire marshal's position or authority as a peace officer while serving in a law enforcement capacity. Interested parties contend that the legislation provided better protection for fire marshals commissioned by a county commissioners court, but unintentionally failed to provide the same liability protection for the fire marshals in provisions relating to investigations in which the use of certain electronic devices are necessary.

H.B. 812 addresses this oversight and creates the same liability protection for a county fire marshal in these types of investigations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 812 amends the Code of Criminal Procedure to include a fire marshal or related officer, inspector, or investigator commissioned by a county in the definition of "authorized peace officer" for purposes of provisions regarding pen registers, trap and trace devices, access to stored communications, and mobile tracking devices.

EFFECTIVE DATE

September 1, 2011.