

BILL ANALYSIS

Senate Research Center

S.B. 1694
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mexican drug cartels and the gangs who work with them have become increasingly adept at using counter surveillance techniques to thwart the ability of law enforcement to conduct physical surveillance of their criminal operations. Global positional system (GPS) tracking devices enable law enforcement to conduct physical surveillance of vehicles driven by investigative subjects in a manner that minimizes the detection of surveillance operations. These devices are particularly helpful when the subjects are traveling to stash houses or moving drugs and bulk cash to and from stash houses. Currently, Texas law requires law enforcement to obtain a court order to place such a device on a vehicle even if it is located on public property, which takes time and eliminates opportunities to use the technique and is especially problematic when the subjects change vehicles, which is often the case. There is no such federal requirement and this technique is routinely used successfully by federal agents in their investigations. The Department of Public Safety of the State of Texas has benefited from working with its federal partners who have this capability, but they are not always involved in state investigations or available to support those investigations.

This bill would authorize the use of GPS tracking devices in the surveillance of subjects of an investigation without the need for a court order.

As proposed, S.B. 1694 amends current law relating to the use of a mobile tracking device without a court order in the course of a criminal investigation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 14, Article 18.21, Code of Criminal Procedure, by adding Subsection (h) to provide that this section does not prohibit the installation and use of a mobile tracking device without an order in the course of a criminal investigation if an order is not required under the Texas Constitution or United States Constitution.

SECTION 2. Effective date: September 1, 2011.