

## **BILL ANALYSIS**

H.B. 1322  
By: Fletcher  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, state public information law enables the target of an investigation to determine whether the target is being monitored by law enforcement using a tracking device because the applicant for a court order to install and use such a device must include detailed information regarding the subject of the device on the affidavit for the order and must notify the appropriate judge within 72 hours after activation of the device. Concern has been raised that the target's access to such information could result in the target altering behavior patterns, destroying evidence, or even planning an ambush against law enforcement officers. H.B. 1322 seeks to address these concerns by requiring a judge to seal, for a certain period, all documents submitted to the court and court orders for the installation and use of a tracking device.

### **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. 1322 amends the Code of Criminal Procedure to require a district judge to seal any documents submitted to the court for purposes of obtaining an order for the installation and use of a mobile tracking device, and any order or extension of an order for such installation and use, until the period authorized by the order and extension expires.

### **EFFECTIVE DATE**

September 1, 2013.