

By: Guillen

H.B. No. 3297

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the offenses for which the use of wire, oral, or
3 electronic interception devices may be authorized.

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

5 SECTION 1. Section 4, Article 18.20, Code of Criminal
6 Procedure, is amended to read as follows:

7 Sec. 4. OFFENSES FOR WHICH INTERCEPTIONS MAY BE
8 AUTHORIZED. A judge of competent jurisdiction may issue an order
9 authorizing interception of wire, oral, or electronic
10 communications only if the prosecutor applying for the order shows
11 probable cause to believe that the interception will provide
12 evidence of the commission of:

13 (1) a felony under Section 19.02, 19.03, or 43.26,
14 Penal Code;

15 (2) a felony under:

16 (A) Chapter 481, Health and Safety Code [~~other~~
17 ~~than felony possession of marijuana~~];

18 (B) Section 485.032, Health and Safety Code; or

19 (C) Chapter 483, Health and Safety Code;

20 (3) an offense under Section 20.03 or 20.04, Penal
21 Code;

22 (4) an offense under Chapter 20A, Penal Code;

23 (5) an offense under Chapter 34, Penal Code [~~if the~~
24 ~~criminal activity giving rise to the proceeds involves the~~

1 ~~commission of an offense under Title 5, Penal Code, or an offense~~
2 ~~under federal law or the laws of another state containing elements~~
3 ~~that are substantially similar to the elements of an offense under~~
4 ~~Title 5];~~

5 (6) an offense under Section 38.11, Penal Code; or

6 (7) an attempt, conspiracy, or solicitation to commit
7 an offense listed in this section.

8 SECTION 2. The change in law made by this Act applies only
9 to an application for an interception order filed on or after the
10 effective date of this Act. An application for an interception
11 order filed before the effective date of this Act is governed by the
12 law in effect on the date the application was filed, and the former
13 law is continued in effect for that purpose.

14 SECTION 3. This Act takes effect September 1, 2013.