

BILL ANALYSIS

Senate Research Center
84R11183 GCB-F

H.B. 3668
By: Workman (Menéndez)
Administration
5/22/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties note that a member of an arson investigation unit seeking access to certain stored communications must coordinate with an authorized peace officer to obtain a search warrant. These parties assert that the member's inability to directly obtain a search warrant for such communications limits the member's ability to effectively pursue an arson investigation. The parties further note that such communications have routinely led to confessions, arrests, and prosecutions of those responsible for arson fires, and in some cases to excluding persons of interest. H.B. 3668 seeks to help maximize the effectiveness of arson investigation units.

H.B. 3668 amends the Code of Criminal Procedure to include a member of an arson investigating unit commissioned by a municipality, county, or the state in the definition of "authorized peace officer," for purposes of statutory provisions relating to the interception or collection of information in relation to certain communications in an investigation conducted by an arson investigating unit.

H.B. 3668 amends current law relating to the definition of peace officer for purposes of intercepting or collecting information in relation to certain communications in an investigation conducted by an arson investigating unit.

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 1(2), Article 18.21, Code of Criminal Procedure, to include in the definition of "authorized peace officer" a member of an arson investigating unit commissioned by a municipality, a county, or the state, and to make nonsubstantive changes.

SECTION 2. Effective date: upon passage or September 1, 2015.