

## **BILL ANALYSIS**

Senate Research Center  
88R21034 JRR-F

H.B. 4906  
By: Hefner (West)  
Criminal Justice  
5/12/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not explicitly authorize school or university police officers to apply for or be issued a search warrant for the collection of certain electronic evidence, including evidence relating to social media accounts, direct messaging, and text records. School police officers who currently apply for and are issued search warrants for electronic evidence may find that any evidence they obtain will be suppressed upon being challenged in court. There is no identifiable or practical reason that these specific officers were not included in this provision to begin with, and it appears to be an inadvertent oversight. Fixing this will ensure the integrity of criminal cases and critical evidence moving forward. With emerging threats and school safety concerns, school-based police officers must have the tools and support they need to effectively keep students safe.

H.B. 4906 seeks to address this issue by revising the definition of "authorized peace officer" for purposes of provisions relating to the installation and use of tracking equipment and access to certain communications.

H.B. 4906 amends current law relating to the installation and use of tracking equipment and access to certain communications by certain peace officers.

### **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 Article 18B.001(1), Code of Criminal Procedure, to include in the definition of "authorized peace officer" a peace officer commissioned under Section 37.081 (School District Peace Officers, School Resource Officers, and Security Personnel) or 51.203 (Campus Peace Officers), Education Code.

SECTION 2. Effective date: September 1, 2023.