

BILL ANALYSIS

C.S.H.B. 4906
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.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.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 4906 amends the Code of Criminal Procedure to expand the definition of "authorized peace officer" for purposes of statutory provisions relating to the installation and use of tracking equipment and access to certain communications to include a peace officer commissioned by a public school district board of trustees or a governing board of a state institution of higher education or public technical institute.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 4906 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced expanded the definition of "authorized peace officer" for purposes of statutory provisions relating to the installation and use of tracking equipment and access to certain communications to include sworn law enforcement officers, other than security personnel, commissioned by a board of trustees or governing board, the substitute expands that definition to include peace officers commissioned by those entities.