

BILL ANALYSIS

H.B. 3439
By: Guillen
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, the attorney general's criminal investigation units are not explicitly included in the list of designated law enforcement agencies for purposes of statutory provisions governing the authority to install and use tracking equipment and to access certain communications. The bill author has informed the committee that without this authority, the Office of the Attorney General faces limitations when participating in complex criminal investigations that require such tools. H.B. 3439 seeks to resolve this issue by authorizing the attorney general's criminal investigative units to use pen registers and ESN readers and to issue administrative subpoenas for communication records.

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

H.B. 3439 amends the Code of Criminal Procedure to include a division or section of the Office of the Attorney General that conducts criminal investigations among the designated law enforcement offices and agencies that may possess, install, operate, or monitor a pen register, ESN reader, or similar equipment, if approved by the public safety director of the Department of Public Safety (DPS) or the director's designee. The bill requires the attorney general or the attorney general's designee to submit to the director a written list of all peace officers in the attorney general's office who are authorized to install operate, or monitor such equipment and a written report of expenditures made by the office to purchase and maintain that equipment. The bill authorizes the attorney general or the attorney general's designee to issue an administrative subpoena to a communication common carrier or a provider of an electronic communications service to compel the production of any business records that disclose certain customer or user information and that are material to a criminal investigation. The bill requires the attorney general to report the issuance of the subpoena to DPS not later than the 30th day after the date on which the subpoena is issued.

EFFECTIVE DATE

September 1, 2025.