

By: Guillen

H.B. No. 3439

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the office of the attorney general with respect to certain laws governing the installation and use of tracking equipment and access to certain communications.

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

SECTION 1. Article 18B.001(4), Code of Criminal Procedure, is amended to read as follows:

(4) "Designated law enforcement office or agency" means:

(A) the sheriff's department of a county with a population of 3.3 million or more;

(B) a police department in a municipality with a population of 200,000 or more;

(C) the office of inspector general of the Texas Department of Criminal Justice; ~~or~~

(D) the office of inspector general of the Texas Juvenile Justice Department; or

(E) a division or section of the office of the attorney general that conducts criminal investigations.

SECTION 2. Article 18B.252(b), Code of Criminal Procedure, is amended to read as follows:

(b) If the director of the department or the director's designee approves the policy submitted under Article 18B.251, the inspector general of the Texas Department of Criminal Justice or

1 the inspector general's designee, the inspector general of the  
2 Texas Juvenile Justice Department or the inspector general's  
3 designee, the attorney general or the attorney general's designee,  
4 or the sheriff or chief of a designated law enforcement agency or  
5 the sheriff's or chief's designee, as applicable, shall submit to  
6 the director a written list of all peace officers in the designated  
7 law enforcement office or agency who are authorized to possess,  
8 install, operate, or monitor pen registers, ESN readers, or similar  
9 equipment.

10 SECTION 3. Article 18B.302(a), Code of Criminal Procedure,  
11 is amended to read as follows:

12 (a) The inspector general of the Texas Department of  
13 Criminal Justice, the inspector general of the Texas Juvenile  
14 Justice Department or the inspector general's designee, the  
15 attorney general, or the sheriff or chief of a designated law  
16 enforcement agency, as applicable, shall submit to the director of  
17 the department a written report of expenditures made by the  
18 designated law enforcement office or agency to purchase and  
19 maintain a pen register, ESN reader, or similar equipment  
20 authorized under this chapter.

21 SECTION 4. Article 18B.451, Code of Criminal Procedure, is  
22 amended to read as follows:

23 Art. 18B.451. SUBPOENA AUTHORITY. The director of the  
24 department or the director's designee, the inspector general of the  
25 Texas Department of Criminal Justice or the inspector general's  
26 designee, the inspector general of the Texas Juvenile Justice  
27 Department or the inspector general's designee, the attorney

1 general or the attorney general's designee, or the sheriff or chief  
2 of a designated law enforcement agency or the sheriff's or chief's  
3 designee may issue an administrative subpoena to a communication  
4 common carrier or a provider of an electronic communications  
5 service to compel the production of any carrier's or service  
6 provider's business records that:

7 (1) disclose information about:

8 (A) the carrier's or service provider's  
9 customers; or

10 (B) users of the services offered by the carrier  
11 or service provider; and

12 (2) are material to a criminal investigation.

13 SECTION 5. Article 18B.452, Code of Criminal Procedure, is  
14 amended to read as follows:

15 Art. 18B.452. REPORT OF ISSUANCE OF SUBPOENA. Not later  
16 than the 30th day after the date on which an administrative subpoena  
17 is issued under Article 18B.451, the inspector general of the Texas  
18 Department of Criminal Justice, the inspector general of the Texas  
19 Juvenile Justice Department or the inspector general's designee,  
20 the attorney general, or the sheriff or chief of a designated law  
21 enforcement agency, as applicable, shall report to the department  
22 the issuance of the subpoena.

23 SECTION 6. This Act takes effect September 1, 2025.