

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

May 30, 2009

Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

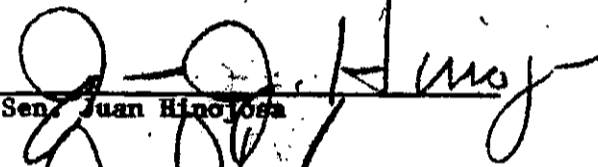
We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 537 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.



Sen. John Carona



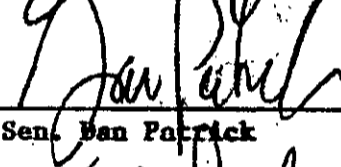
Rep. Allen Vaught



Sen. Juan Hinojosa




Rep. Allen Fletcher

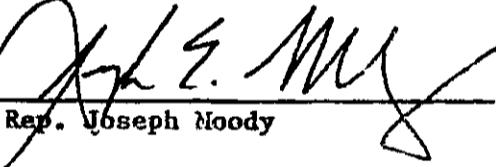


Sen. Dan Patrick

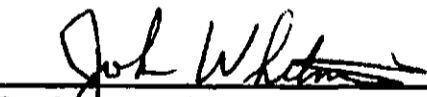
Rep. Carol Kent



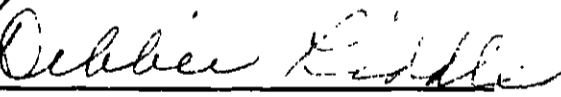
Sen. Kel Seliger



Rep. Joseph Moody



On the part of the Senate  
Sen. John Whitmire



On the part of the House  
Rep. Debbie Riddle

### Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

S.B. No. 537

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the emergency installation and use of a device to  
3 intercept wire, oral, or electronic communications.

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

5 SECTION 1. Subsection (b), Section 8A, Article 18.20, Code  
6 of Criminal Procedure, is amended to read as follows:

7 (b) A peace officer designated under Subsection (a) or under  
8 Section 5(b) may possess, install, operate, or monitor an  
9 electronic, mechanical, or other device to intercept wire, oral, or  
10 electronic communications if the officer:

11 (1) reasonably believes an immediate life-threatening  
12 situation exists that:

13 (A) is within the territorial jurisdiction of the  
14 officer or another officer the officer is assisting; and

15 (B) requires interception of communications  
16 before an order authorizing the interception can, with due  
17 diligence, be obtained under this section;

18 (2) reasonably believes there are sufficient grounds  
19 under this section on which to obtain an order authorizing the  
20 interception; and

21 (3) obtains oral or written consent to the  
22 interception before beginning the interception from:

23 (A) a judge of competent jurisdiction;

24 (B) a district judge for the county in which the

1 device will be installed or used; or

2                    (C) [~~B~~] a judge or justice of a court of  
3 appeals or of a higher court.

4           SECTION 2. The change in law made by this Act to Subsection  
5 (b), Section 8A, Article 18.20, Code of Criminal Procedure, applies  
6 only to the interception of a wire, oral, or electronic  
7 communication in an immediate life-threatening situation that  
8 occurs on or after the effective date of this Act. An interception  
9 of a wire, oral, or electronic communication in an immediate  
10 life-threatening situation that occurred before the effective date  
11 of this Act is covered by the law in effect on the date the  
12 life-threatening situation occurred, and the former law is  
13 continued in effect for that purpose.

14           SECTION 3. This Act takes effect September 1, 2009.

**Senate Bill 537**  
Conference Committee Report  
Section-by-Section Analysis

SENATE VERSION

SECTION 1. Amends Subsection (b), Section 8A, Article 18.20, Code of Criminal Procedure, to authorize a peace officer designated under Subsection (a) or under Section 5(b) to possess, install, operate, or monitor an electronic, mechanical, or other device to intercept wire, oral, or electronic communications if the officer obtains oral or written consent to the interception before beginning the interception from, among others, *a judge of competent jurisdiction*.

SECTION 2. The change in law made by this Act to Subsection (b), Section 8A, Article 18.20, Code of Criminal Procedure, applies only to the interception of a wire, oral, or electronic communication in an immediate life-threatening situation that occurs on or after the effective date of this Act. An interception of a wire, oral, or electronic communication in an immediate life-threatening situation that occurred before the effective date of this Act is covered by the law in effect on the date the life-threatening situation occurred, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.

HOUSE VERSION

SECTION 1. Same as Senate version, except adds as a consenting authority *a presiding judge of an administrative judicial region appointed pursuant to Section 74.005, Government Code* and omits a judge of competent jurisdiction.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

CONFERENCE

SECTION 1. Same as Senate version.

SECTION 2. Same as Senate version.

SECTION 3. Same as Senate version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO:** Honorable David Dewhurst , Lieutenant Governor, Senate  
Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE:** SB537 by Carona (Relating to the emergency installation and use of a device to intercept wire, oral, or electronic communications. ), **Conference Committee Report**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council, 405 Department of Public Safety

**LBB Staff:** JOB, ESi, DB