

## **BILL ANALYSIS**

S.B. 1838  
By: Menéndez  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Interested parties note that a member of an arson investigation unit seeking access to certain stored communications must coordinate with an authorized peace officer to obtain a search warrant. These parties assert that the member's inability to directly obtain a search warrant for such communications limits the member's ability to effectively pursue an arson investigation. The parties further note that such communications have routinely led to confessions, arrests, and prosecutions of those responsible for arson fires, and in some cases to excluding persons of interest. S.B. 1838 seeks to help maximize the effectiveness of arson investigation units.

### **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**

S.B. 1838 amends the Code of Criminal Procedure to include a member of an arson investigating unit commissioned by a municipality, county, or the state in the definition of "authorized peace officer," for purposes of statutory provisions relating to the interception or collection of information in relation to certain communications in an investigation conducted by an arson investigating unit.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.