

1-1 By: Wu, et al. (Senate Sponsor - West) H.B. No. 492
1-2 (In the Senate - Received from the House May 10, 2021;
1-3 May 21, 2021, read first time and referred to Committee on
1-4 Jurisprudence; May 24, 2021, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 24, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			

1-14 COMMITTEE SUBSTITUTE FOR H.B. No. 492 By: Hinojosa

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the issuance of a warrant authorizing the use of a
1-18 no-knock entry by a peace officer.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 15, Code of Criminal Procedure, is
1-21 amended by adding Article 15.251 to read as follows:

1-22 Art. 15.251. NO-KNOCK WARRANT. (a) In this article,
1-23 "no-knock entry" means a peace officer's entry, for the purpose of
1-24 executing a warrant, into a building or other place without giving
1-25 notice of the officer's authority or purpose before entering.

1-26 (b) Notwithstanding any other law, only the following
1-27 magistrates may issue a warrant under this chapter that authorizes
1-28 a no-knock entry:

1-29 (1) a district court judge;

1-30 (2) a statutory county court judge;

1-31 (3) a judge of a county court who is an attorney
1-32 licensed by this state;

1-33 (4) a judge of a municipal court of record who is an
1-34 attorney licensed by this state; or

1-35 (5) any magistrate if the county in which the warrant
1-36 is issued does not have:

1-37 (A) a municipal court of record with a courtroom
1-38 located in that county and a judge who is an attorney licensed by
1-39 this state;

1-40 (B) a county court judge who is an attorney
1-41 licensed by this state; or

1-42 (C) a statutory county court judge.

1-43 (c) A magistrate may issue a warrant under this chapter that
1-44 authorizes a no-knock entry only if the complaint is submitted
1-45 concurrently with a statement that approves the use of a no-knock
1-46 entry and that is signed by the chief administrator of the law
1-47 enforcement agency employing the affiant or by the chief
1-48 administrator's designee.

1-49 SECTION 2. Chapter 18, Code of Criminal Procedure, is
1-50 amended by adding Article 18.025 to read as follows:

1-51 Art. 18.025. NO-KNOCK WARRANT. (a) In this
1-52 article, "no-knock entry" has the meaning assigned by Article
1-53 15.251.

1-54 (b) Notwithstanding any other law, only the following
1-55 magistrates may issue a warrant under this chapter that authorizes
1-56 a no-knock entry:

1-57 (1) a district court judge;

1-58 (2) a statutory county court judge;

1-59 (3) a judge of a county court who is an attorney
1-60 licensed by this state;

2-1 (4) a judge of a municipal court of record who is an
2-2 attorney licensed by this state; or

2-3 (5) any magistrate if the county in which the warrant
2-4 is issued does not have:

2-5 (A) a municipal court of record with a courtroom
2-6 located in that county and a judge who is an attorney licensed by
2-7 this state;

2-8 (B) a county court judge who is an attorney
2-9 licensed by this state; or

2-10 (C) a statutory county court judge.

2-11 (c) A magistrate may issue a warrant under this chapter that
2-12 authorizes a no-knock entry only if the affidavit under Article
2-13 18.01(b) is submitted concurrently with a statement that approves
2-14 the use of a no-knock entry and that is signed by the chief
2-15 administrator of the law enforcement agency employing the affiant
2-16 or by the chief administrator's designee.

2-17 SECTION 3. The change in law made by this Act applies only
2-18 to a warrant issued on or after the effective date of this Act. A
2-19 warrant issued before the effective date of this Act is governed by
2-20 the law in effect on the date the warrant was issued, and the former
2-21 law is continued in effect for that purpose.

2-22 SECTION 4. This Act takes effect September 1, 2021.

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