

By: West

S.B. No. 140

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(b) Except as provided by Subsection (c), a magistrate may not issue a warrant under this chapter that authorizes a no-knock entry.

(c) A magistrate listed in Subsection (d) may issue a warrant under this chapter that authorizes a no-knock entry only if:

(1) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee; and

(2) the warrant requires that each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer.

(d) Notwithstanding any other law, only the following

1 magistrates may issue a warrant under this chapter that authorizes
2 a no-knock entry:

3 (1) a district court judge;

4 (2) a statutory county court judge;

5 (3) a judge of a county court who is an attorney
6 licensed by this state;

7 (4) a judge of a municipal court of record who is an
8 attorney licensed by this state; or

9 (5) any magistrate if the county in which the warrant
10 is issued does not have:

11 (A) a municipal court of record with a courtroom
12 located in that county and a judge who is an attorney licensed by
13 this state;

14 (B) a county court judge who is an attorney
15 licensed by this state; or

16 (C) a statutory county court judge.

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

19 Art. 18.025. NO-KNOCK WARRANT. (a) In this
20 article, "no-knock entry" has the meaning assigned by Article
21 15.251.

22 (b) Except as provided by Subsection (c), a magistrate may
23 not issue a warrant under this chapter that authorizes a no-knock
24 entry.

25 (c) A magistrate listed in Subsection (d) may issue a
26 warrant under this chapter that authorizes a no-knock entry only
27 if:

1 (1) the affidavit under Article 18.01(b) is submitted
2 concurrently with a statement that approves the use of a no-knock
3 entry and that is signed by the chief administrator of the law
4 enforcement agency employing the affiant or by the chief
5 administrator's designee; and

6 (2) the warrant requires that each peace officer
7 executing the warrant be in uniform or otherwise clearly
8 identifiable as a peace officer.

9 (d) Notwithstanding any other law, only the following
10 magistrates may issue a warrant under this chapter that authorizes
11 a no-knock entry:

12 (1) a district court judge;

13 (2) a statutory county court judge;

14 (3) a judge of a county court who is an attorney
15 licensed by this state;

16 (4) a judge of a municipal court of record who is an
17 attorney licensed by this state; or

18 (5) any magistrate if the county in which the warrant
19 is issued does not have:

20 (A) a municipal court of record with a courtroom
21 located in that county and a judge who is an attorney licensed by
22 this state;

23 (B) a county court judge who is an attorney
24 licensed by this state; or

25 (C) a statutory county court judge.

26 SECTION 3. The change in law made by this Act applies only
27 to a warrant issued on or after the effective date of this Act. A

1 warrant issued before the effective date of this Act is governed by
2 the law in effect on the date the warrant was issued, and the former
3 law is continued in effect for that purpose.

4 SECTION 4. This Act takes effect September 1, 2023.