

By: Jones of Harris

H.B. No. 1765

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of an arrest warrant or search 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 ARREST 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 an arrest warrant that authorizes a no-knock entry.

(c) A magistrate listed in Subsection (d) may issue an
arrest warrant 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
magistrates may issue an arrest warrant that authorizes a no-knock
entry:

1 (1) a district court judge;

2 (2) a statutory county court judge;

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

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

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

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

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

14 (C) a statutory county court judge.

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

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

19 (b) Except as provided by Subsection (c), a magistrate may
20 not issue a search warrant that authorizes a no-knock entry.

21 (c) A magistrate listed in Subsection (d) may issue a search
22 warrant that authorizes a no-knock entry only if:

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

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

4 (d) Notwithstanding any other law, only the following
5 magistrates may issue a search warrant that authorizes a no-knock
6 entry:

7 (1) a district court judge;

8 (2) a statutory county court judge;

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

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

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

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

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

20 (C) a statutory county court judge.

21 SECTION 3. The change in law made by this Act applies only
22 to a warrant issued on or after the effective date of this Act. A
23 warrant issued before the effective date of this Act is governed by
24 the law in effect on the date the warrant was issued, and the former
25 law is continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2025.