

BILL ANALYSIS

Senate Research Center
78R6240 EMT-F

H.B. 13
By: Keel (Wentworth)
Criminal Justice
5/9/2003
Engrossed

DIGEST AND PURPOSE

Currently, the Code of Criminal Procedure mandates that arrest warrants and any underlying affidavits filed therewith must be shown by the magistrate to the person being arrested. However, it is unclear which official has the duty to be the custodian of such records. H.B. 13 clarifies that it is the responsibility of the magistrate's clerk to have the arrest warrants and any affidavits related thereto available for access by any interested person once the warrant has been executed.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 15.26, Code of Criminal Procedure, to provide that the arrest warrant, and any affidavit presented to the magistrate in support of the issuance of the warrant, is public information, and beginning immediately when the warrant is executed the magistrate's clerk shall make a copy of the warrant and the affidavit available for public inspection in the clerk's office during normal business hours. Authorizes a person to request the clerk to provide copies of the warrant and affidavit on payment of the cost of providing the copies.

SECTION 2. Effective date: upon passage or September 1, 2003.