

## **BILL ANALYSIS**

C.S.H.B. 13  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently, Article 15.17, 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. C.S.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 arrest has been carried out.

### **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**

C.S.H.B. 13 amends the Code of Criminal Procedure to clarify that an arrest warrant and any affidavit presented to the magistrate, in support of the issuance of the warrant, is public information and is available for public inspection. The bill gives the responsibility of making the documentation public to the magistrate's clerk. The bill also allows a person to request copies of the warrant and affidavit on payment of the cost of providing the copies.

### **EFFECTIVE DATE**

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute adds a provision to the original bill to allow a person to request copies of the warrant and affidavit on payment of the cost of providing the copies. The substitute removes the provision contained in the original bill, that required the arresting officer to show the affidavit to the defendant upon request.