

By: Keel

H.B. No. 13

A BILL TO BE ENTITLED

1 AN ACT

2 relating to making arrest warrants and certain affidavits made in  
3 support of the issuance of arrest warrants available for public  
4 inspection.

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

6 SECTION 1. Article 15.26, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 15.26. AUTHORITY TO ARREST MUST BE MADE KNOWN. In  
9 executing a warrant of arrest, it shall always be made known to the  
10 accused under what authority the arrest is made. The warrant shall  
11 be executed by the arrest of the defendant. The officer need not  
12 have the warrant in his possession at the time of the arrest,  
13 provided the warrant was issued under the provisions of this Code,  
14 but upon request he shall show the warrant to the defendant as soon  
15 as possible. If the officer does not have the warrant in his  
16 possession at the time of arrest he shall then inform the defendant  
17 of the offense charged and of the fact that a warrant has been  
18 issued. The arrest warrant, and any affidavit presented to the  
19 magistrate in support of the issuance of the warrant, is public  
20 information, and beginning immediately when the warrant is executed  
21 the magistrate's clerk shall make a copy of the warrant and the  
22 affidavit available for public inspection in the clerk's office  
23 during normal business hours. A person may request the clerk to  
24 provide copies of the warrant and affidavit on payment of the cost

1 of providing the copies.

2           SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2003.