

1-1 By: Keel (Senate Sponsor - Wentworth) H.B. No. 13
1-2 (In the Senate - Received from the House April 2, 2003;
1-3 April 7, 2003, read first time and referred to Committee on
1-4 Criminal Justice; May 21, 2003, reported favorably by the
1-5 following vote: Yeas 5, Nays 0; May 21, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to making arrest warrants and certain affidavits made in
1-9 support of the issuance of arrest warrants available for public
1-10 inspection.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Article 15.26, Code of Criminal Procedure, is
1-13 amended to read as follows:

1-14 Art. 15.26. AUTHORITY TO ARREST MUST BE MADE KNOWN. In
1-15 executing a warrant of arrest, it shall always be made known to the
1-16 accused under what authority the arrest is made. The warrant shall
1-17 be executed by the arrest of the defendant. The officer need not
1-18 have the warrant in his possession at the time of the arrest,
1-19 provided the warrant was issued under the provisions of this Code,
1-20 but upon request he shall show the warrant to the defendant as soon
1-21 as possible. If the officer does not have the warrant in his
1-22 possession at the time of arrest he shall then inform the defendant
1-23 of the offense charged and of the fact that a warrant has been
1-24 issued. The arrest warrant, and any affidavit presented to the
1-25 magistrate in support of the issuance of the warrant, is public
1-26 information, and beginning immediately when the warrant is executed
1-27 the magistrate's clerk shall make a copy of the warrant and the
1-28 affidavit available for public inspection in the clerk's office
1-29 during normal business hours. A person may request the clerk to
1-30 provide copies of the warrant and affidavit on payment of the cost
1-31 of providing the copies.

1-32 SECTION 2. This Act takes effect immediately if it receives
1-33 a vote of two-thirds of all the members elected to each house, as
1-34 provided by Section 39, Article III, Texas Constitution. If this
1-35 Act does not receive the vote necessary for immediate effect, this
1-36 Act takes effect September 1, 2003.

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