

BILL ANALYSIS

H.B. 47
By: Keel
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the 78th Regular Session, legislation was passed clarifying that an arrest warrant and any affidavit utilized in obtaining the warrant is public information, available to members of the public on payment of the costs of providing copies. Unfortunately, there are counties which are not making the information accessible to the public. House Bill 47 imposes a civil penalty in the amount of \$1,000 on a county in which the clerk fails to make the information publicly accessible.

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

H.B. 47 bill amends the Code of Criminal Procedure, to impose a civil penalty in the amount of \$1,000, for each violation, on a county in which a magistrate's clerk fails to make an arrest warrant and the accompanying affidavit publicly accessible. This provision also applies to counties which fail to make public an affidavit establishing probable cause for a search warrant. The attorney general may sue to collect the penalty, which when collected, shall be deposited to the credit of the general revenue fund.

EFFECTIVE DATE

September 1, 2005.