

By: Dutton

H.B. No. 2418

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of peace officers to conduct certain
3 searches.

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

5 SECTION 1. Article 1.06, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 1.06. SEARCHES AND SEIZURES. (a) The people shall be
8 secure in their persons, houses, papers and possessions from all
9 unreasonable seizures or searches. No warrant to search any place
10 or to seize any person or thing shall issue without describing them
11 as near as may be, nor without probable cause supported by oath or
12 affirmation.

13 (b) A peace officer who stops a motor vehicle for any
14 alleged violation of a law or ordinance regulating traffic may not
15 request the operator of the motor vehicle for consent to search the
16 vehicle, unless the peace officer has probable cause or another
17 legal basis for the search.

18 SECTION 2. This Act takes effect September 1, 2005.