

BILL ANALYSIS

Senate Research Center
80R9551 UM-D

H.B. 3131
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, certain magistrates are permitted to issue general search warrants, but are not permitted to issue evidentiary search warrants if the only lawyer-judges serving the county are district judges in a multi-county district.

H.B. 3131 grants certain magistrates the ability to issue evidentiary search warrants.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 18.01(i), Code of Criminal Procedure, as follows:

(i) Authorizes any magistrate to issue a search warrant under Article 18.02(10) (relating to a search warrant issued to search for and seize property or items, except the person writings of the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense) or (12) (relating to a search warrant issued to search for and seize contraband subject to forfeiture) in a county that does not have a judge of a municipal court of record who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, rather than in a county in which the only judge serving the county who is a licensed attorney is a district judge whose district includes more than one county or in which the only judges serving the county who are licensed attorneys are two or more district judges each of whose district includes more than one county. Provides that this subsection, rather than this section, is not applicable to a subsequent search warrant under Article 18.02(10).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.