

BILL ANALYSIS

H.B. 3131
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a local magistrate may only sign an evidentiary search warrant if the only lawyer-judges serving the county are district judges in a multi-county district. In counties where an additional lawyer-judge serves the county, local magistrates are prohibited from authorizing a limited evidentiary warrant for a specific piece of evidence. Because an evidentiary search warrant is much more limited in its scope than a general search warrant, all magistrates should have the authority to issue both of them. House Bill 3131 would allow any magistrate to issue certain search warrants in a county that does not have a municipal or county court judge who is an licensed attorney or a statutory county court judge.

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

House Bill 3131 amends Article 18.01(i), Code of Criminal Procedure, by adding that 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, any magistrate may issue a search warrant under Subdivision (10) or Subdivision (12) of Article 18.02 of this code. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.