

By: Vaught

H.B. No. 3886

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the release of an affidavit presented to a magistrate in  
3 support of the issuance of an arrest warrant.

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

5 SECTION 1. Article 15.26, Code of Criminal Procedure, is  
6 amended to read as follows:

7 AUTHORITY TO MAKE ARREST MUST BE MADE KNOWN. In executing a  
8 warrant of arrest, it shall always be made known to the accused  
9 under what authority the arrest is made. The warrant shall be  
10 executed by the arrest of the defendant. The officer need not have  
11 the warrant in his possession at the time of the arrest, provided  
12 the warrant was issued under the provisions of this Code, but upon  
13 request he shall show the warrant to the defendant as soon as  
14 possible. If the officer does not have the warrant in his  
15 possession at the time of arrest he shall then inform the defendant  
16 of the offense charged and of the fact that a warrant has been  
17 issued. The arrest warrant, and any affidavit presented to the  
18 magistrate in support of the issuance of the warrant, is public  
19 information, and beginning immediately when the warrant is executed  
20 the magistrate's clerk shall make a copy of the warrant [~~and the~~  
21 ~~affidavit~~] available for public inspection in the clerk's office  
22 during normal business hours. If the affidavit was presented in  
23 support of an arrest warrant for more than one person, the  
24 magistrate's clerk shall make the affidavit available for public

1 inspection in the clerk's office during normal business hours  
2 immediately after the execution of all warrants for which the  
3 affidavit was presented in support. A person may request the clerk  
4 to provide copies of the warrant and affidavit on payment of the  
5 cost of providing the copies.

6 SECTION 2. This Act takes effect September 1, 2009.