

By: Dutton

H.B. No. 49

A BILL TO BE ENTITLED

AN ACT

1
2 relating to a requirement that a peace officer obtain a search
3 warrant before conducting a body cavity search.

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

5 SECTION 1. Chapter 18, Code of Criminal Procedure, is
6 amended by adding Article 18.24 to read as follows:

7 Art. 18.24. BODY CAVITY SEARCH. (a) In this article, "body
8 cavity search" means an inspection that is conducted of a person's
9 anal or vaginal cavity visually, manually, by means of any
10 instrument, apparatus, or object, or in any other manner.

11 (b) Notwithstanding any other law, a peace officer may not
12 conduct a body cavity search of a person arrested or detained during
13 the investigation of a criminal offense unless a magistrate has
14 issued a search warrant pursuant to this chapter authorizing the
15 body cavity search.

16 SECTION 2. This Act takes effect November 1, 2013.