

## **BILL ANALYSIS**

Senate Research Center  
84R13370 ADM-D

H.B. 324  
By: Dutton et al. (Burton)  
Criminal Justice  
5/11/2015  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The Fourth Amendment to the United States Constitution establishes the right to be free from unreasonable searches and seizures. A law enforcement officer is generally prohibited from conducting a search without a search warrant, with certain exceptions. Recent incidents in Texas in which law enforcement officers, pursuant to those exceptions, conducted body cavity searches of individuals during traffic stops without a warrant have prompted concerns regarding the lack of policies among law enforcement agencies prohibiting such warrantless searches. H.B. 324 seeks to align certain law enforcement policy with the constitutionally given protection against unreasonable searches.

H.B. 324 amends the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search, defined in the bill as an inspection that is conducted of a person's anal or vaginal cavity in any manner, of a person during a traffic stop unless the officer first obtains a search warrant authorizing the body cavity search.

H.B. 324 amends current law relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.

### **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 Chapter 18, Code of Criminal Procedure, by adding Article 18.24, as follows:

Art. 18.24. BODY CAVITY SEARCH DURING TRAFFIC STOP. (a) Defines, in this article "body cavity search."

(b) Prohibits a peace officer, notwithstanding any other law, to conduct a body cavity search of a person during a traffic stop unless the officer first obtains a search warrant pursuant to this chapter (Search Warrants) authorizing the body cavity search.

SECTION 2. Effective date: September 1, 2015.