

BILL ANALYSIS

Senate Research Center
84R17049 GCB-F

H.B. 644
By: Canales; Minjarez (Hinojosa)
Criminal Justice
5/20/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

H.B. 644 amends current law relating to the contents of a search warrant and to the offense of tampering with a governmental record consisting of a search warrant.

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 18.04, Code of Criminal Procedure, as follows:

Art. 18.04. CONTENTS OF WARRANT. Provides that a search warrant issued under this chapter shall be sufficient if it contains the following requisites:

- (1) and (2) Makes no change to these subdivisions;
- (3) and (4) Makes nonsubstantive changes; and
- (5) that the magistrate's name appear in clearly legible handwriting or in typewritten form with the magistrate's signature.

SECTION 2. Amends Article 18.021(c), Code of Criminal Procedure, to require that a warrant issued under this article, in addition to the requirements of Subdivisions (1), (4), and (5), rather than Subdivisions (1) and (4), of Article 18.04 of this code, identify, as near as may be, the child to be located and photographed, name or describe, as near as may be, the place or thing to be searched, and command any peace officer of the proper county to search for and cause the child to be photographed.

SECTION 3. Amends Section 37.10(c)(2), Penal Code, as follows:

- (2) Provides that an offense under this section is a felony of the third degree if it is shown on the trial of the offense that the governmental record was:
 - (A)-(C) Makes no change to these paragraphs;
 - (D) a search warrant issued by a magistrate.

SECTION 4. (a) Provides that the changes in law made by this Act in amending Articles 18.04 and 18.021(c), Code of Criminal Procedure, apply to a search warrant issued on or after the effective date of this Act. Makes application of this Act prospective.

- (b) Provides that the change in law made by this Act in adding Section 37.10(c)(2)(D), Penal Code, applies only to an offense committed on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2015.