

By: Wu

H.B. No. 326

A BILL TO BE ENTITLED

AN ACT

relating to sworn affidavits provided to support the issuance of a search warrant.

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

SECTION 1. Article 18.01(b), Code of Criminal Procedure, is amended to read as follows:

(b)(1) No search warrant shall issue for any purpose in this state unless sufficient facts are first presented to satisfy the issuing magistrate that probable cause does in fact exist for its issuance. A sworn affidavit setting forth substantial facts establishing probable cause shall be provided [~~filed~~] in every instance in which a search warrant is requested.

(2) For purposes of this article, a magistrate may accept a sworn statement that is provided by telephone or other appropriate and reliable means of wire or electronic communication. A magistrate or the magistrate's designee shall fully document a sworn affidavit provided by telephone. A magistrate or the magistrate's designee may electronically record and preserve any statement communicated orally under this subdivision.

(3) Except as provided by Article 18.011, the affidavit is public information if executed, and the magistrate's clerk shall make a copy of the affidavit available for public inspection in the clerk's office during normal business hours.

SECTION 2. The change in law made by this Act applies only

1 to a search warrant that is issued on or after the effective date of  
2 this Act. A search warrant that was issued before the effective  
3 date of this Act is governed by the law in effect on the date the  
4 warrant was issued, and the former law is continued in effect for  
5 that purpose.

6 SECTION 3. This Act takes effect September 1, 2015.