

By: Canales

H.B. No. 644

Substitute the following for H.B. No. 644:

By: Herrero

C.S.H.B. No. 644

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the contents of a search warrant and to the offense of
3 tampering with a governmental record consisting of a search
4 warrant.

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

6 SECTION 1. Article 18.04, Code of Criminal Procedure, is
7 amended to read as follows:

8 Art. 18.04. CONTENTS OF WARRANT. A search warrant issued
9 under this chapter shall be sufficient if it contains the following
10 requisites:

- 11 (1) that it run in the name of "The State of Texas";
12 (2) that it identify, as near as may be, that which is
13 to be seized and name or describe, as near as may be, the person,
14 place, or thing to be searched;
15 (3) that it command any peace officer of the proper
16 county to search forthwith the person, place, or thing named; ~~and~~
17 (4) that it be dated and signed by the magistrate; and
18 (5) that the magistrate's name appear in clearly
19 legible handwriting or in typewritten form with the magistrate's
20 signature.

21 SECTION 2. Article 18.021(c), Code of Criminal Procedure,
22 is amended to read as follows:

23 (c) In addition to the requirements of Subdivisions (1),
24 (4), and (5) ~~[and (4)]~~ of Article 18.04 of this code, a warrant

1 issued under this article shall identify, as near as may be, the
2 child to be located and photographed, shall name or describe, as
3 near as may be, the place or thing to be searched, and shall command
4 any peace officer of the proper county to search for and cause the
5 child to be photographed.

6 SECTION 3. Section 37.10(c)(2), Penal Code, is amended to
7 read as follows:

8 (2) An offense under this section is a felony of the
9 third degree if it is shown on the trial of the offense that the
10 governmental record was:

11 (A) a public school record, report, or assessment
12 instrument required under Chapter 39, Education Code, data reported
13 for a school district or open-enrollment charter school to the
14 Texas Education Agency through the Public Education Information
15 Management System (PEIMS) described by Section 42.006, Education
16 Code, under a law or rule requiring that reporting, or a license,
17 certificate, permit, seal, title, letter of patent, or similar
18 document issued by government, by another state, or by the United
19 States, unless the actor's intent is to defraud or harm another, in
20 which event the offense is a felony of the second degree;

21 (B) a written report of a medical, chemical,
22 toxicological, ballistic, or other expert examination or test
23 performed on physical evidence for the purpose of determining the
24 connection or relevance of the evidence to a criminal action; ~~or~~

25 (C) a written report of the certification,
26 inspection, or maintenance record of an instrument, apparatus,
27 implement, machine, or other similar device used in the course of an

1 examination or test performed on physical evidence for the purpose
2 of determining the connection or relevance of the evidence to a
3 criminal action; or

4 (D) a search warrant issued by a magistrate.

5 SECTION 4. (a) The changes in law made by this Act in
6 amending Articles 18.04 and 18.021(c), Code of Criminal Procedure,
7 apply to a search warrant issued on or after the effective date of
8 this Act. A search warrant issued before the effective date of this
9 Act is governed by the law in effect on the date the warrant was
10 issued, and the former law is continued in effect for that purpose.

11 (b) The change in law made by this Act in adding Section
12 37.10(c)(2)(D), Penal Code, applies only to an offense committed on
13 or after the effective date of this Act. An offense committed
14 before the effective date of this Act is governed by the law in
15 effect on the date the offense was committed, and the former law is
16 continued in effect for that purpose. For purposes of this
17 subsection, an offense was committed before the effective date of
18 this Act if any element of the offense occurred before that date.

19 SECTION 5. This Act takes effect September 1, 2015.