

By: Canales

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 typewritten
19 form with the magistrate's signature.

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

22 (c) In addition to the requirements of Subdivisions (1),
23 (4), and (5) ~~[and (4)]~~ of Article 18.04 of this code, a warrant
24 issued under this article shall identify, as near as may be, the

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

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

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

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

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

24 (C) a written report of the certification,
25 inspection, or maintenance record of an instrument, apparatus,
26 implement, machine, or other similar device used in the course of an
27 examination or test performed on physical evidence for the purpose

1 of determining the connection or relevance of the evidence to a
2 criminal action; or

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

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

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

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