

1-1 By: Canales, Minjarez (Senate Sponsor - Hinojosa) H.B. No. 644
 1-2 (In the Senate - Received from the House May 13, 2015;
 1-3 May 14, 2015, read first time and referred to Committee on Criminal
 1-4 Justice; May 21, 2015, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to the contents of a search warrant and to the offense of
 1-18 tampering with a governmental record consisting of a search
 1-19 warrant.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 18.04, Code of Criminal Procedure, is
 1-22 amended to read as follows:

1-23 Art. 18.04. CONTENTS OF WARRANT. A search warrant issued
 1-24 under this chapter shall be sufficient if it contains the following
 1-25 requisites:

1-26 (1) that it run in the name of "The State of Texas";
 1-27 (2) that it identify, as near as may be, that which is
 1-28 to be seized and name or describe, as near as may be, the person,
 1-29 place, or thing to be searched;

1-30 (3) that it command any peace officer of the proper
 1-31 county to search forthwith the person, place, or thing named; ~~and~~

1-32 (4) that it be dated and signed by the magistrate; and

1-33 (5) that the magistrate's name appear in clearly
 1-34 legible handwriting or in typewritten form with the magistrate's
 1-35 signature.

1-36 SECTION 2. Article 18.021(c), Code of Criminal Procedure,
 1-37 is amended to read as follows:

1-38 (c) In addition to the requirements of Subdivisions (1),
 1-39 (4), and (5) ~~and (4)~~ of Article 18.04 of this code, a warrant
 1-40 issued under this article shall identify, as near as may be, the
 1-41 child to be located and photographed, shall name or describe, as
 1-42 near as may be, the place or thing to be searched, and shall command
 1-43 any peace officer of the proper county to search for and cause the
 1-44 child to be photographed.

1-45 SECTION 3. Section 37.10(c)(2), Penal Code, is amended to
 1-46 read as follows:

1-47 (2) An offense under this section is a felony of the
 1-48 third degree if it is shown on the trial of the offense that the
 1-49 governmental record was:

1-50 (A) a public school record, report, or assessment
 1-51 instrument required under Chapter 39, Education Code, data reported
 1-52 for a school district or open-enrollment charter school to the
 1-53 Texas Education Agency through the Public Education Information
 1-54 Management System (PEIMS) described by Section 42.006, Education
 1-55 Code, under a law or rule requiring that reporting, or a license,
 1-56 certificate, permit, seal, title, letter of patent, or similar
 1-57 document issued by government, by another state, or by the United
 1-58 States, unless the actor's intent is to defraud or harm another, in
 1-59 which event the offense is a felony of the second degree;

1-60 (B) a written report of a medical, chemical,
 1-61 toxicological, ballistic, or other expert examination or test

2-1 performed on physical evidence for the purpose of determining the
2-2 connection or relevance of the evidence to a criminal action; [~~or~~]

2-3 (C) a written report of the certification,
2-4 inspection, or maintenance record of an instrument, apparatus,
2-5 implement, machine, or other similar device used in the course of an
2-6 examination or test performed on physical evidence for the purpose
2-7 of determining the connection or relevance of the evidence to a
2-8 criminal action; or

2-9 (D) a search warrant issued by a magistrate.

2-10 SECTION 4. (a) The changes in law made by this Act in
2-11 amending Articles 18.04 and 18.021(c), Code of Criminal Procedure,
2-12 apply to a search warrant issued on or after the effective date of
2-13 this Act. A search warrant issued before the effective date of this
2-14 Act is governed by the law in effect on the date the warrant was
2-15 issued, and the former law is continued in effect for that purpose.

2-16 (b) The change in law made by this Act in adding Section
2-17 37.10(c)(2)(D), Penal Code, applies only to an offense committed on
2-18 or after the effective date of this Act. An offense committed
2-19 before the effective date of this Act is governed by the law in
2-20 effect on the date the offense was committed, and the former law is
2-21 continued in effect for that purpose. For purposes of this
2-22 subsection, an offense was committed before the effective date of
2-23 this Act if any element of the offense occurred before that date.

2-24 SECTION 5. This Act takes effect September 1, 2015.

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