

By: Burkett, Wu, Sheets

H.B. No. 1166

Substitute the following for H.B. No. 1166:

By: Herrero

C.S.H.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to sworn statements and other documentation provided to  
3 support the issuance of a search warrant.

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

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

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

13 (2) For purposes of this article, a magistrate may  
14 accept a sworn statement that is provided by telephone or other  
15 means of wire or electronic communication. The magistrate shall  
16 administer an oath to the person providing the statement. The  
17 magistrate or the magistrate's designee shall:

18 (A) electronically record any statement  
19 communicated orally under this subdivision; and

20 (B) promptly transcribe and preserve a written  
21 copy of that oral statement.

22 (3) A magistrate may accept, by facsimile or e-mail or  
23 other electronic transmission, a copy of the sworn affidavit or  
24 other documentation in support of the issuance of a search warrant.

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

5           SECTION 2. The change in law made by this Act applies only  
6 to a search warrant that is 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           SECTION 3. This Act takes effect September 1, 2015.