

By: Burkett

H.B. No. 1166

A BILL TO BE ENTITLED

AN ACT

relating to sworn statements and other documentation 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 means of wire or electronic communication. The magistrate shall administer an oath to the person providing the statement. The magistrate or the magistrate's designee shall:

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

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

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

1 (4) Except as provided by Article 18.011, an ~~the~~
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.