

By: Stickland

H.B. No. 3909

A BILL TO BE ENTITLED

AN ACT

relating to the execution of an arrest or search warrant.

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

SECTION 1. Article 15.25, Code of Criminal Procedure, is amended to read as follows:

Art. 15.25. MAY NOT BREAK DOOR. (a) The ~~[In case of felony, the]~~ officer may not break down the door of any house for the purpose of making an arrest, unless:

(1) the arrest is for a felony; and

(2) the officer is ~~[if he be]~~ refused admittance after giving notice of the officer's ~~[his]~~ authority and purpose.

(b) The officer may not break down the door of any house for the purpose of making an arrest for a misdemeanor.

SECTION 2. Article 18.06(b), Code of Criminal Procedure, is amended to read as follows:

(b) Before entering ~~[On searching]~~ the place ordered to be searched, the officer executing the warrant shall announce the officer's presence and, if the owner of the place is present, shall present a copy of the warrant to the owner ~~[of the place, if he is present]~~. If the owner of the place is not present but a person who is present is in possession of the place, the officer shall present a copy of the warrant to the person. Before the officer takes property from the place, the officer ~~[he]~~ shall prepare a written inventory of the property to be taken. The officer ~~[He]~~ shall

1 legibly endorse the officer's [~~his~~] name on the inventory and
2 present a copy of the inventory to the owner or other person in
3 possession of the property. If neither the owner nor a person in
4 possession of the property is present when the officer executes the
5 warrant, the officer shall leave a copy of the warrant and the
6 inventory at the place.

7 SECTION 3. Article 38.23(b), Code of Criminal Procedure, is
8 amended to read as follows:

9 (b) Except as otherwise provided by this subsection, it [~~It~~]
10 is an exception to the provisions of Subsection (a) [~~of this~~
11 ~~Article~~] that the evidence was obtained by a law enforcement
12 officer acting in objective good faith reliance upon a warrant
13 issued by a neutral magistrate based on probable cause. This
14 subsection does not apply to evidence obtained as a result of an
15 entry made by a law enforcement officer who:

16 (1) breaks down the door to a house in violation of
17 Article 15.25; or

18 (2) in violation of Article 18.06(b), executes a
19 warrant before announcing the officer's presence.

20 SECTION 4. The change in law made by this Act applies only
21 to the execution of an arrest or search warrant that is issued on or
22 after the effective date of this Act. The execution of an arrest or
23 search warrant that was issued before the effective date of this Act
24 is governed by the law in effect on the date the warrant was issued,
25 and the former law is continued in effect for that purpose.

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