

1-1 By: Hall S.B. No. 715  
1-2 (In the Senate - Filed February 24, 2015; March 2, 2015,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 23, 2015, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 23, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Burton	X		
1-11	Creighton	X		
1-12	Hinojosa	X		
1-13	Menéndez	X		
1-14	Perry	X		

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

1-17 relating to sworn statements and other documentation provided to  
1-18 support the issuance of a search warrant.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Article 18.01(b), Code of Criminal Procedure, is  
1-21 amended to read as follows:

1-22 (b)(1) No search warrant shall issue for any purpose in this  
1-23 state unless sufficient facts are first presented to satisfy the  
1-24 issuing magistrate that probable cause does in fact exist for its  
1-25 issuance. A sworn affidavit setting forth substantial facts  
1-26 establishing probable cause shall be provided [~~filed~~] in every  
1-27 instance in which a search warrant is requested.

1-28 (2) For purposes of this article, a magistrate may  
1-29 accept a sworn statement that is provided by telephone or other  
1-30 means of wire or electronic communication. The magistrate shall  
1-31 administer an oath to the person providing the statement. The  
1-32 magistrate or the magistrate's designee shall:

1-33 (A) electronically record any statement  
1-34 communicated orally under this subdivision; and

1-35 (B) promptly transcribe and preserve a written  
1-36 copy of that oral statement.

1-37 (3) A magistrate may accept, by facsimile or e-mail or  
1-38 other electronic transmission, other documentation in support of  
1-39 the issuance of a search warrant.

1-40 (4) Except as provided by Article 18.011, an [the]  
1-41 affidavit is public information if executed, and the magistrate's  
1-42 clerk shall make a copy of the affidavit available for public  
1-43 inspection in the clerk's office during normal business hours.

1-44 SECTION 2. The change in law made by this Act applies only  
1-45 to a search warrant that is issued on or after the effective date of  
1-46 this Act. A search warrant issued before the effective date of this  
1-47 Act is governed by the law in effect on the date the warrant was  
1-48 issued, and the former law is continued in effect for that purpose.

1-49 SECTION 3. This Act takes effect September 1, 2015.

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