

SENATE AMENDMENTS

2nd Printing

By: Dutton, Simpson, Wu

H.B. No. 324

A BILL TO BE ENTITLED

AN ACT

relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.

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

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.24 to read as follows:

Art. 18.24. BODY CAVITY SEARCH DURING TRAFFIC STOP. (a) In this article, "body cavity search" means an inspection that is conducted of a person's anal or vaginal cavity in any manner.

(b) Notwithstanding any other law, a peace officer may not conduct a body cavity search of a person during a traffic stop unless the officer first obtains a search warrant pursuant to this chapter authorizing the body cavity search.

SECTION 2. This Act takes effect September 1, 2015.

ADOPTED

MAY 27 2015

Atalay Spaw
Secretary of the Senate

By: *Konni Burton*

H.B. No. 324

Substitute the following for H.B. No. 324:

By: *Konni Burton*

C.S.____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to a requirement that a peace officer obtain a search
3 warrant before conducting a body cavity search during a traffic
4 stop.

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

6 SECTION 1. Chapter 18, Code of Criminal Procedure, is
7 amended by adding Article 18.24 to read as follows:

8 Art. 18.24. BODY CAVITY SEARCH DURING TRAFFIC STOP. (a) In
9 this article, "body cavity search" means an inspection that is
10 conducted of a person's anal or vaginal cavity in any manner, but
11 the term does not include a pat-down.

12 (b) Notwithstanding any other law, a peace officer may not
13 conduct a body cavity search of a person during a traffic stop
14 unless the officer first obtains a search warrant pursuant to this
15 chapter authorizing the body cavity search.

16 SECTION 2. This Act takes effect September 1, 2015.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 27, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB324 by Dutton (Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.), **As Passed 2nd House**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search during a traffic stop unless the officer first obtains a search warrant authorizing the body cavity search. This analysis assumes the provisions of the bill could be implemented within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, SD, KJo, ESi, AI, EK, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB324 by Dutton (Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search during a traffic stop unless the officer first obtains a search warrant authorizing the body cavity search. This analysis assumes the provisions of the bill could be implemented within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, KJo, ESi, AI, EK, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB324 by Dutton (Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search during a traffic stop unless the officer first obtains a search warrant authorizing the body cavity search. This analysis assumes the provisions of the bill could be implemented within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, KJo, ESi, AI, EK, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 26, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB324 by Dutton (Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search during a traffic stop.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search during a traffic stop unless the officer first obtains a search warrant authorizing the body cavity search. This analysis assumes the provisions of the bill could be implemented within existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, ESi, AI, EK, JAW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 2, 2015

TO: Honorable Larry Phillips, Chair, House Committee on Homeland Security & Public Safety

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB324 by Dutton (Relating to a requirement that a peace officer obtain a search warrant before conducting a body cavity search.), **As Introduced**

<p>No fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure to prohibit a peace officer from conducting a body cavity search of a detained or arrested person unless a magistrate has issued a search warrant authorizing the body cavity search.

The Department of Public Safety and the Office of Court Administration indicate no fiscal impact to the state is anticipated.

Local Government Impact

According to the Sheriff's Association of Texas and the Texas Municipal Police Association, the provisions of the bill would not have a significant fiscal impact and any additional workload can be handled with existing staff and resources.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: UP, ESi, AI, EK, JAW