86R12517 MEW-D

By:  Moody H.B. No. 2360

A BILL TO BE ENTITLED

AN ACT

relating to the public inspection of an arrest warrant and any affidavit made in support of the issuance of the warrant.

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

SECTION 1.  Article 15.26, Code of Criminal Procedure, is amended to read as follows:

Art. 15.26.  AUTHORITY TO ARREST MUST BE MADE KNOWN. (a) In executing a warrant of arrest, it shall always be made known to the accused under what authority the arrest is made.

(b)  The warrant is [~~shall be~~] executed by the arrest of the defendant.

(c)  The officer is [~~need~~] not required to have the warrant in the officer's [~~his~~] possession at the time of the arrest, provided the warrant was issued under the provisions of this Code, but on [~~upon~~] request, the officer [~~he~~] shall show the warrant to the defendant as soon as possible.

(d)  If the officer does not have the warrant in the officer's [~~his~~] possession at the time of arrest, the officer [~~he~~] shall at that time [~~then~~] inform the defendant:

(1)  of the offense charged; and

(2)  [~~of the fact~~] that a warrant has been issued.

(e)  The arrest warrant[~~,~~] and any affidavit presented to the magistrate in support of the issuance of the warrant become[~~, is~~] public information[~~, and~~] beginning immediately at the time [~~when~~] the warrant is executed.

(f)  Immediately after the warrant is executed, the magistrate's clerk shall make a copy of the warrant and the affidavit available for public inspection in the clerk's office during normal business hours.

(g)  A person may request the clerk to provide copies of the warrant and affidavit on payment of the cost of providing the copies.

SECTION 2.  This Act takes effect September 1, 2019.