

Amend CSHB 492 (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.251 to read as follows:

Art. 15.251. ISSUANCE OF NO-KNOCK WARRANT. (a) In this article, "no-knock entry" means a peace officer's entry, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

(b) A magistrate may issue a warrant under this chapter that authorizes a no-knock entry only if:

(1) except as provided by Subsection (c), the magistrate is an attorney licensed by the state who serves in the county in which the warrant is to be executed or, if such a magistrate cannot be located, in a contiguous county;

(2) the magistrate determines probable cause exists that:

(A) the person who is the subject of the warrant has committed a violent offense; and

(B) any entry other than a no-knock entry would create an unreasonable risk of death or serious bodily injury or would result in the destruction of relevant evidence; and

(3) the warrant requires:

(A) each peace officer participating in the initial entry into the building or other place for purposes of executing the warrant to be in uniform or otherwise clearly identifiable as a peace officer; and

(B) to the extent that the law enforcement agency has the technology available, that the agency make a good faith effort to have each peace officer executing the warrant be equipped with a body worn camera and for each officer equipped with the camera to:

(i) activate the camera before executing the warrant; and

(ii) not deactivate the camera or allow the camera to be deactivated until the earlier of:

(a) 15 minutes after each person at

the building or other place has been secured and, if appropriate, searched pursuant to a lawful detention; or

(b) the officer leaves the building or other place where the warrant was executed.

(c) A magistrate who is not an attorney licensed by this state may issue a warrant under this chapter that authorizes a no-knock entry only if the applicant in the complaint presented to the magistrate states that the applicant attempted and failed to locate a magistrate described by Subsection (b)(1) for purposes of presenting the complaint.

SECTION 2. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.025 to read as follows:

Art. 18.025. ISSUANCE OF NO-KNOCK WARRANT. (a) In this article, "no-knock entry" has the meaning assigned by Article 15.251.

(b) A magistrate may issue a warrant under this chapter that authorizes a no-knock entry only if:

(1) except as provided by Subsection (c), the magistrate is an attorney licensed by the state who serves in the county in which the warrant is to be executed or, if such a magistrate cannot be located, in a contiguous county;

(2) the affidavit alleges the commission of a violent offense, and the magistrate determines probable cause exists that:

(A) the violent offense is ongoing; or

(B) any entry other than a no-knock entry would create an unreasonable risk of death or serious bodily injury or would result in the destruction of relevant evidence; and

(3) the warrant requires:

(A) each peace officer participating in the initial entry into the building or other place for purposes of executing the warrant to be in uniform or otherwise clearly identifiable as a peace officer; and

(B) to the extent that the law enforcement agency has the technology available, that the agency make a good faith effort to have each peace officer executing the warrant be equipped with a body worn camera and for each officer equipped with the camera to:

(i) activate the camera before executing the warrant; and

(ii) not deactivate the camera or allow the camera to be deactivated until the earlier of:

(a) 15 minutes after each person at the building or other place has been secured and, if appropriate, searched pursuant to a lawful detention; or

(b) the officer leaves the building or other place where the warrant was executed.

(c) A magistrate who is not an attorney licensed by this state may issue a warrant under this chapter that authorizes a no-knock entry only if the applicant in the sworn affidavit submitted under Article 18.01(b) states that the applicant attempted and failed to locate a magistrate described by Subsection (b)(1) for purposes of presenting the affidavit.

SECTION 3. The change in law made by this Act applies only to a warrant issued on or after the effective date of this Act. A warrant issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.

SECTION 4. This Act takes effect September 1, 2021.