

All Published Pre-filed Amendments for HB 492

Crockett

Amendment

870638

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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Clockett

1 Amend C.S.H.B. No. 492 (house committee printing) by striking
2 all below the enacting clause and substituting the following:

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

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

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

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

16 (2) the magistrate determines probable cause exists
17 that:

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

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

23 (3) the warrant requires:

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

28 (B) to the extent that the law enforcement agency
29 has the technology available, that the agency make a good faith

1 effort to have each peace officer executing the warrant be equipped
2 with a body worn camera and for each officer equipped with the
3 camera to:

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

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

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

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

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

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

21 Art. 18.025. ISSUANCE OF NO-KNOCK WARRANT. (a) In this
22 article, "no-knock entry" has the meaning assigned by Article
23 15.251.

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

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

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

1 (A) the violent offense is ongoing; or

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

5 (3) the warrant requires:

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

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

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

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

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

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

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

30 SECTION 3. The change in law made by this Act applies only
31 to a warrant issued on or after the effective date of this Act. A

1 warrant issued before the effective date of this Act is governed by
2 the law in effect on the date the warrant was issued, and the former
3 law is continued in effect for that purpose.

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