87R1679 ADM-D

By:  Meza H.B. No. 272

A BILL TO BE ENTITLED

AN ACT

relating to a study of no-knock entries performed by law enforcement agencies in this state.

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

SECTION 1.  Subchapter D, Chapter 411, Government Code, is amended by adding Section 411.056 to read as follows:

Sec. 411.056.  REPORT ON NO-KNOCK ENTRIES BY LAW ENFORCEMENT AGENCIES. (a) In this section:

(1)  "Law enforcement agency" has the meaning assigned by Article 59.01, Code of Criminal Procedure.

(2)  "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)  Not later than December 1, 2022, a law enforcement agency that employs peace officers who perform no-knock entries shall report to the department, on a form prescribed by the director, the following information for the period beginning on November 1, 2021, and ending on October 31, 2022:

(1)  the number of no-knock entries performed by peace officers employed by the law enforcement agency; and

(2)  for each no-knock entry performed:

(A)  whether any peace officer suffered an injury or death as a result of the entry and a description of each injury and cause of death, as applicable;

(B)  whether any other person suffered an injury or death as a result of the entry and a description of each injury and cause of death, as applicable;

(C)  if the entry was performed for the purpose of executing a search warrant,  a description of the property to be searched for and of any property seized;

(D)  if the entry was performed for the purpose of executing an arrest warrant, the name of the person whose arrest was ordered and the offense the person was accused of committing; and

(E)  the name of any person arrested.

(c)  Not later than January 1, 2023, the director shall summarize the information received under Subsection (b) in a report to the governor, the lieutenant governor, and each standing committee of the legislature with primary jurisdiction over criminal justice matters. The report must contain the following information:

(1)  the total number of no-knock entries performed by each law enforcement agency, and the number performed for each of the following categories of offenses:

(A)  offenses involving violence;

(B)  nonviolent offenses; and

(C)  drug-related offenses;

(2)  the total number of peace officers and other persons who suffered an injury or death as a result of a no-knock entry;

(3)  for no-knock entries that were performed for the purpose of executing a search warrant, the proportion of those entries in which the property described by the warrant was seized; and

(4)  for no-knock entries that were performed for the purpose of executing an arrest warrant, the proportion of those entries in which the person named in the warrant was arrested.

(d)  Not later than December 1, 2021, the director shall promulgate the form required under Subsection (b).

(e)  This section expires September 1, 2023.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.