87R892 ADM-D

By:  Wu H.B. No. 492

A BILL TO BE ENTITLED

AN ACT

relating to a prohibition on the issuance of a warrant authorizing the use of a no-knock entry by a peace officer.

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

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

Art. 15.251.  NO-KNOCK WARRANT PROHIBITED. (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 not issue a warrant under this chapter that authorizes a no-knock entry.

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

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

(b)  A magistrate may not issue a warrant under this chapter that authorizes a no-knock entry.

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.