87R18543 ADM-D

By:  Crockett, Reynolds, Cason, Talarico, H.B. No. 1272

     et al.

Substitute the following for H.B. No. 1272:

By:  Collier C.S.H.B. No. 1272

A BILL TO BE ENTITLED

AN ACT

relating to 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.  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)  the magistrate is not:

(A)  a justice of the peace;

(B)  a municipal court judge; or

(C)  a constitutional county court judge;

(2)  the magistrate determines by clear and convincing evidence 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 endanger a person's life or result in the destruction of evidence; and

(3)  the warrant requires:

(A)  each peace officer executing the warrant to be in uniform and clearly identifiable as a peace officer;

(B)  each peace officer executing the warrant to be equipped with a body worn camera and to:

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

(ii)  not deactivate the camera or allow the camera to be deactivated until at least 15 minutes after execution of the warrant is completed; and

(C)  the no-knock entry to be performed only between the hours of 6 a.m. and 10 p.m.

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)  the magistrate is not:

(A)  a justice of the peace;

(B)  a municipal court judge; or

(C)  a constitutional county court judge;

(2)  the affidavit alleges the commission of a violent offense, and the magistrate determines by clear and convincing evidence that:

(A)  the violent offense is ongoing or has taken place at the building or other place stated in the warrant; and

(B)  any entry other than a no-knock entry would endanger a person's life or would result in the destruction of evidence; and

(3)  the warrant requires:

(A)  each peace officer executing the warrant to be in uniform and clearly identifiable as a peace officer;

(B)  each peace officer executing the warrant to be equipped with a body worn camera and to:

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

(ii)  not deactivate the camera or allow the camera to be deactivated until at least 15 minutes after execution of the warrant is completed; and

(C)  the no-knock entry to be performed only between the hours of 6 a.m. and 10 p.m.

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.