87R11869 ADM-D

By:  West S.B. No. 1544

A BILL TO BE ENTITLED

AN ACT

relating to no-knock warrants.

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

SECTION 1.  This Act may be cited as the Breonna Taylor-Atatiana Jefferson Safe Use of Force Act.

SECTION 2.  Chapter 15, Code of Criminal Procedure, is amended by adding Article 15.251 to read as follows:

Art. 15.251.  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)  Notwithstanding any other law, only a district court judge may issue an arrest warrant under this chapter that authorizes a no-knock entry.

(c)  An applicant for a warrant under this chapter that authorizes a no-knock entry must state in the complaint that:

(1)  the applicant has personal knowledge of facts that support the necessity of a no-knock entry; and

(2)  the applicant's supervisor has approved the complaint.

(d)  A warrant issued under this chapter that authorizes a no-knock entry must:

(1)  state the building or other place for which the no-knock entry is authorized; and

(2)  require each officer executing the warrant to:

(A)  be equipped with a body worn camera;

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

(C)  not deactivate the camera or allow the camera to be deactivated until execution of the warrant is completed.

(e)  Before a warrant issued under this chapter that authorizes a no-knock entry may be executed:

(1)  the law enforcement agency intending to execute the warrant must provide at least 24 hours' notice before execution to the judge who issued the warrant; and

(2)  the supervisor described by Subsection (c)(2) must confirm:

(A)  the illegal activity alleged in the complaint is ongoing or has taken place during the preceding 24-hour period at the building or other place stated in the warrant; and

(B)  the accused is frequently present at the building or other place and has been identified as being present at that location in the preceding 12-hour period.

(f)  This article does not apply if the accused is alleged to have committed:

(1)  an offense punishable as a felony that involves causing or attempting to cause serious bodily injury to a person; or

(2)  an offense under any of the following provisions of the Penal Code:

(A)  Section 20.04;

(B)  Section 22.02;

(C)  Section 22.021; or

(D)  Section 29.03.

SECTION 3.  Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.025 to read as follows:

Art. 18.025.  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)  Notwithstanding any other law, only a district court judge may issue a warrant under this chapter that authorizes a no-knock entry.

(c)  An applicant for a warrant under this chapter that authorizes a no-knock entry must state in the sworn affidavit submitted under Article 18.01(b) that:

(1)  the applicant has personal knowledge of facts that support the necessity of a no-knock entry; and

(2)  the applicant's supervisor has approved the affidavit.

(d)  A warrant issued under this chapter that authorizes a no-knock entry must:

(1)  state the building or other place for which the no-knock entry is authorized; and

(2)  require each officer executing the warrant to:

(A)  be equipped with a body worn camera;

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

(C)  not deactivate the camera or allow the camera to be deactivated until execution of the warrant is completed.

(e)  Before a warrant issued under this chapter that authorizes a no-knock entry may be executed:

(1)  the law enforcement agency intending to execute the warrant must provide at least 24 hours' notice before execution to the judge who issued the warrant; and

(2)  the supervisor described by Subsection (c)(2) must confirm the illegal activity alleged in the affidavit is ongoing or has taken place in the preceding 24-hour period at the building or other place stated in the warrant.

(f)  This article does not apply if the property to be seized is alleged to be related to the commission of:

(1)  an offense punishable as a felony that involves causing or attempting to cause serious bodily injury to a person; or

(2)  an offense under any of the following provisions of the Penal Code:

(A)  Section 20.04;

(B)  Section 22.02;

(C)  Section 22.021; or

(D)  Section 29.03.

SECTION 4.  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 5.  This Act takes effect September 1, 2021.