

By: Wu

H.B. No. 492

Substitute the following for H.B. No. 492:

By: Collier

C.S.H.B. No. 492

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. 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) Except as provided by Subsection (c), a magistrate may not issue a warrant under this chapter that authorizes a no-knock entry.

(c) A district court judge may issue a warrant under this chapter that authorizes a no-knock entry if the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant.

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. (a) In this article, "no-knock entry" has the meaning assigned by Article 15.251.

(b) Except as provided by Subsection (c), a magistrate may

1 not issue a warrant under this chapter that authorizes a no-knock
2 entry.

3 (c) A district court judge may issue a warrant under this
4 chapter that authorizes a no-knock entry if the affidavit under
5 Article 18.01(b) is submitted concurrently with a statement that
6 approves the use of a no-knock entry and that is signed by the chief
7 administrator of the law enforcement agency employing the affiant.

8 SECTION 3. The change in law made by this Act applies only
9 to a warrant issued on or after the effective date of this Act. A
10 warrant issued before the effective date of this Act is governed by
11 the law in effect on the date the warrant was issued, and the former
12 law is continued in effect for that purpose.

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