

By: Crockett, Reynolds, Cason, Talarico,
et al.

H.B. No. 1272

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

1 (3) the warrant requires:

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

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

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

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

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

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

15 Art. 18.025. ISSUANCE OF NO-KNOCK WARRANT. (a) In this
16 article, "no-knock entry" has the meaning assigned by Article
17 15.251.

18 (b) A magistrate may issue a warrant under this chapter that
19 authorizes a no-knock entry only if:

20 (1) the magistrate is not:

21 (A) a justice of the peace;

22 (B) a municipal court judge; or

23 (C) a constitutional county court judge;

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

27 (A) the violent offense is ongoing or has taken

1 place at the building or other place stated in the warrant; and

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

5 (3) the warrant requires:

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

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

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

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

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

17 SECTION 3. The change in law made by this Act applies only
18 to a warrant issued on or after the effective date of this Act. A
19 warrant issued before the effective date of this Act is governed by
20 the law in effect on the date the warrant was issued, and the former
21 law is continued in effect for that purpose.

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