

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

1           (2) require each officer executing the warrant to:

2                   (A) be equipped with a body worn camera;

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

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

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

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

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

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

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

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

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

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

26                   (A) Section 20.04;

27                   (B) Section 22.02;

1                    (C) Section 22.021; or

2                    (D) Section 29.03.

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

5            Art. 18.025. NO-KNOCK WARRANT. (a) In this article,  
6 "no-knock entry" means a peace officer's entry, for the purpose of  
7 executing a warrant, into a building or other place without giving  
8 notice of the officer's authority or purpose before entering.

9            (b) Notwithstanding any other law, only a district court  
10 judge may issue a warrant under this chapter that authorizes a  
11 no-knock entry.

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

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

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

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

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

23                (2) require each officer executing the warrant to:

24                        (A) be equipped with a body worn camera;

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

27                        (C) not deactivate the camera or allow the camera

1 to be deactivated until execution of the warrant is completed.

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

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

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

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

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

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

17 (A) Section 20.04;

18 (B) Section 22.02;

19 (C) Section 22.021; or

20 (D) Section 29.03.

21 SECTION 4. The change in law made by this Act applies only  
22 to a warrant issued on or after the effective date of this Act. A  
23 warrant issued before the effective date of this Act is governed by  
24 the law in effect on the date the warrant was issued, and the former  
25 law is continued in effect for that purpose.

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