

House Bill 492
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 or statutory county court judge may issue a warrant under this chapter that authorizes a no-knock entry only if:

(1) the complaint is submitted concurrently with a statement, signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee, that a no-knock entry is necessary to avoid the risk of death or serious bodily injury to peace officers and to

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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) Notwithstanding any other law, only the following magistrates may issue a warrant under this chapter that authorizes a no-knock entry:

(1) a district court judge;

(2) a statutory county court judge;

(3) a judge of a county court who is an attorney licensed by this state;

(4) a judge of a municipal court of record who is an attorney licensed by this state; or

(5) any magistrate if the county in which the warrant is issued does not have:

(A) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state;

(B) a county court judge who is an attorney licensed by this state; or

(C) a statutory county court judge.

(c) A magistrate may issue a warrant under this chapter that authorizes a no-knock entry only if: [FA1(1)]

(1) 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 or by the chief administrator's designee; and [FA1(1)-(2)]

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others; and

(2) the warrant requires:

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

(B) to the extent that the law enforcement agency has the technology available, that the agency make a good faith effort to have each peace officer executing the warrant be equipped with a body worn camera.

(d) A person designated by a chief administrator under Subsection (c)(1) must be a peace officer who reports directly to the chief administrator.

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

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(2) the warrant requires that each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. [FA1(2)]

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) Notwithstanding any other law, only the following magistrates may issue a warrant under this chapter that authorizes a no-knock entry:

(1) a district court judge;

(2) a statutory county court judge;

(3) a judge of a county court who is an attorney licensed by this state;

(4) a judge of a municipal court of record who is an attorney licensed by this state; or

(5) any magistrate if the county in which the warrant is issued does not have:

(A) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state;

(B) a county court judge who is an attorney licensed by this state; or

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(c) A district court judge or statutory county court judge may issue a warrant under this chapter that authorizes a no-knock entry only if:

(1) the affidavit under Article 18.01(b) is submitted concurrently with a statement, signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee, that a no-knock entry is necessary to avoid the risk of death or serious bodily injury to peace officers and to others; and

(2) the warrant requires:

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

(B) to the extent that the law enforcement agency has the technology available, that the agency make a good faith effort to have each peace officer executing the warrant be equipped with a body worn camera.

(d) A person designated by a chief administrator under Subsection (c)(1) must be a peace officer who reports directly to the chief administrator.

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.

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(C) a statutory county court judge.

(c) A magistrate may issue a warrant under this chapter that authorizes a no-knock entry only if: [FA1(3)]

(1) the affidavit under Article 18.01(b) 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 or by the chief administrator's designee; and [FA1(3)-(4)]

(2) the warrant requires that each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. [FA1(4)]

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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