

## **BILL ANALYSIS**

H.B. 504  
By: Wu  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Recent events have raised concerns regarding the issuance of arrest warrants and search warrants that authorize the use of a no-knock entry in which a peace officer enters a building without first giving notice of the officer's authority or purpose before entering. These no-knock warrants directly conflict with stand your ground laws and the Texan philosophy that homeowners have a right to defend their property against intrusion. Furthermore, there is little parity among courts and law enforcement for procedures relating to the oversight and the frequency with which these types of warrants are issued, creating uncertainty and danger for both the public and law enforcement. H.B. 504 seeks to address these concerns by limiting the conditions under which these warrants may be issued.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 504 amends the Code of Criminal Procedure to prohibit a magistrate from issuing an arrest warrant or search warrant that authorizes a no-knock entry unless the following conditions are met:

- the requisite complaint or affidavit is submitted concurrently with a statement approving the use of a no-knock entry that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee; and
- the warrant requires each peace officer executing the warrant to be in uniform or otherwise clearly identifiable as a peace officer.

The following magistrates may issue a no-knock warrant under these limited conditions:

- a district court judge, a statutory county court judge, a judge of a county court who is a state-licensed attorney, or a judge of a municipal court of record who is a state-licensed attorney; or
- any magistrate if the county in which the warrant is issued does not have a municipal court of record with a courtroom located in that county and a judge who is a state-licensed attorney, a county court judge who is a state-licensed attorney, or a statutory county court judge.

H.B. 504 defines "no-knock entry" as 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.

H.B. 504 applies only to a warrant issued on or after the bill's effective date.

**EFFECTIVE DATE**

September 1, 2023.