88R18978 SHH-F

By:  Vasut H.B. No. 779

Substitute the following for H.B. No. 779:

By:  Moody C.S.H.B. No. 779

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of certain search warrants by statutory county court judges.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Article 18.01(d), Code of Criminal Procedure, is amended to read as follows:

(d)  Only the specifically described property or items set forth in a search warrant issued under Article 18.02(a)(10) or property, items or contraband enumerated in Article 18.02(a)(1), (2), (3), (4), (5), (6), (7), (8), (9), or (12) may be seized. A subsequent search warrant may be issued pursuant to Article 18.02(a)(10) to search the same person, place, or thing subjected to a prior search under Article 18.02(a)(10) only if the subsequent search warrant is issued by a judge of a statutory county court, a district court, a court of appeals, the court of criminal appeals, or the supreme court.

SECTION 2.  Article 18.0215(b), Code of Criminal Procedure, is amended to read as follows:

(b)  A warrant under this article may be issued only by a judge, including a judge of a statutory county court, in the same judicial district as the site of:

(1)  the law enforcement agency that employs the peace officer, if the cellular telephone or other wireless communications device is in the officer's possession; or

(2)  the likely location of the telephone or device.

SECTION 3.  The changes in law made by this Act apply only to a search warrant issued on or after the effective date of this Act. A search 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, 2023.