

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

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

2           SECTION 3. The changes in law made by this Act apply only to  
3 a search warrant issued on or after the effective date of this Act.  
4 A search warrant issued before the effective date of this Act is  
5 governed by the law in effect on the date the warrant was issued,  
6 and the former law is continued in effect for that purpose.

7           SECTION 4. This Act takes effect September 1, 2023.