

By: Vasut

H.B. No. 779

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of certain 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, 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 in the same judicial district, or a judge of a statutory county court in the same county, 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. This Act takes effect September 1, 2023.