

By: Tepper

H.B. No. 1740

A BILL TO BE ENTITLED

AN ACT

relating to requiring a search warrant for certain fire, health, or code inspections.

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

SECTION 1. Article 18.05, Code of Criminal Procedure, is amended by amending Subsection (a) and adding Subsections (f), (g), and (h) to read as follows:

(a) Notwithstanding any other law and except ~~[Except]~~ as provided by Subsections ~~[Subsection]~~ (e) and (f) ~~[of this article]~~, a search warrant is required for the purpose of allowing ~~[may be issued to]~~ a fire marshal, health officer, or code enforcement official of the state or of any county, city, or other political subdivision to inspect ~~[for the purpose of allowing the inspection of]~~ any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

(f) A person described by Subsection (a) may inspect, without a warrant, any premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance if:

(1) the owner or occupant consents to the inspection;

or

(2) the person reasonably believes there exists an immediate life-threatening situation, as defined by Article

1 [18A.201.](#)

2 (g) A person who conducts an inspection under Subsection  
3 (f)(2) must apply for a search warrant for that inspection as soon  
4 as practicable after conducting the inspection. If the court finds  
5 that the person's belief was not reasonable or the circumstances  
6 described by Subsection (f)(2) did not exist, any evidence obtained  
7 is not admissible in a criminal action.

8 (h) Any evidence obtained in violation of this article is  
9 not admissible in a criminal action.

10 SECTION 2. Section [417.008](#), Government Code, is amended by  
11 adding Subsection (g) to read as follows:

12 (g) To the extent of a conflict between this section and  
13 Article [18.05](#), Code of Criminal Procedure, that article controls.

14 SECTION 3. The change in law made by this Act applies only  
15 to an inspection conducted on or after the effective date of this  
16 Act. An inspection conducted before the effective date of this Act  
17 is governed by the law in effect on the date the inspection was  
18 conducted, and the former law is continued in effect for that  
19 purpose.

20 SECTION 4. This Act takes effect September 1, 2025.