

## **BILL ANALYSIS**

H.B. 4045  
By: Faircloth  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, if a county does not have a judge of a municipal court of record who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, any magistrate may issue a search warrant for certain property or contraband under certain conditions. Issues can arise when the applicable municipal court of record for a county, such as Chambers County, is actually located in a different county, as this may put the county in a position to either forgo search warrants or make future arrangements to obtain search warrants subject to the availability of the neighboring county. H.B. 4045 seeks to clarify this issue.

### **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. 4045 amends the Code of Criminal Procedure to change one of the circumstances under which any magistrate is authorized to issue a search warrant for contraband subject to forfeiture or certain property or items constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense from the county not having a judge of a municipal court of record who is an attorney licensed by the state to the county not having a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by the state.

### **EFFECTIVE DATE**

September 1, 2015.