

## **BILL ANALYSIS**

C.S.H.B. 1272  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

For years, no-knock entries by peace officers for the purpose of executing a warrant have endangered the lives of law enforcement and citizens across Texas. Both officers and building occupants have been injured or lost their lives due to poorly executed no-knock entries, which are usually conducted to capitalize on the element of surprise and carried out late at night or early in the morning. These conditions further contribute to the chaos of the situation and exacerbate the vulnerability of both officers and occupants. There have been calls to only allow these dangerous, inefficient entries under very limited circumstances so as to protect law enforcement, communities, and the constitutional rights of Texans. C.S.H.B. 1272 allows for the issuance of warrants authorizing no-knock entries under limited circumstances.

### **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**

C.S.H.B. 1272 amends the Code of Criminal Procedure to authorize a magistrate to issue an arrest warrant that authorizes a no-knock entry only if the following conditions are met:

- the magistrate is not a justice of the peace, a municipal court judge, or a constitutional county court judge;
- the magistrate determines by clear and convincing evidence that the person who is the subject of the warrant has committed a violent offense and that any entry other than a no-knock entry would endanger a person's life or result in the destruction of evidence; and
- the warrant requires the following:
  - the no-knock entry to be performed only between the hours of 6 a.m. and 10 p.m.; and
  - each peace officer executing the warrant to be in uniform and clearly identifiable as a peace officer and to be equipped with a body worn camera that is activated before executing the warrant and not deactivated until at least 15 minutes after the execution of the warrant is completed.

The bill defines "no-knock entry" as a peace officer's entry, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

C.S.H.B. 1272 authorizes a magistrate to issue a search warrant that authorizes a no-knock entry only if the following conditions are met:

- the magistrate is not a justice of the peace, a municipal court judge, or a constitutional county court judge;
- the affidavit alleges the commission of a violent offense and the magistrate determines by clear and convincing evidence that the violent offense is ongoing or has taken place at the building or other place stated in the warrant and that any entry other than a no-knock entry would endanger a person's life or would result in the destruction of evidence; and
- the warrant requires the same conditions applicable to an arrest warrant under the bill's provisions with regard to the hours when the no-knock entry may be performed and each peace officer executing the warrant.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1272 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute authorizes a magistrate to issue an arrest warrant or search warrant that authorizes the use of a no-knock entry under limited circumstances and describes those circumstances, whereas the original explicitly prohibited a magistrate from issuing an arrest warrant or search warrant that authorizes a no-knock entry.