

SUBJECT: Making affidavits for search warrants available during business hours

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Hinojosa, Dunnam, Garcia, Green, Keel, Nixon, Smith, Talton
0 nays
1 absent — Wise

WITNESSES: None

BACKGROUND: The Code of Criminal Procedure requires sworn affidavits relating to executed search warrants to be public information.

DIGEST: HB 234 would require magistrate’s clerks to make a copy of the sworn affidavits relating to executed search warrants to be available for public inspection in the clerk’s office during normal business hours.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

SUPPORTERS SAY: HB 234 would ensure that affidavits relating to executed search warrants — which are public information under current law — would be easily accessible in a uniform place in each county. In some counties, there is no person or office with the clear-cut responsibility for fulfilling the law that makes the affidavits public. In some instances, people have had to go the prosecutor’s office to ask for the information. This can be burdensome and confusing for victims, the media, attorneys, or others looking for the information. HB 234 would ensure that everyone could go the magistrate’s clerk’s office during business hours and find the affidavits.

OPPONENTS SAY: No apparent opposition.

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NOTES: The companion bill, SB 999 by Wentworth, has been referred to the Senate Criminal Justice Committee.