

BILL ANALYSIS

Senate Research Center
76R2134 GWK-D

H.B. 234
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Criminal Justice
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Engrossed

DIGEST

Currently, a search warrant affidavit is public record upon execution of a warrant. However, some counties have failed to make the records available because of a lack of specificity regarding the venue for record availability. H.B. 234 specifies that the public is entitled to inspect a copy of a search warrant affidavit in the office of the magistrate's clerk during normal business hours.

PURPOSE

As proposed, H.B. 234 specifies that the public is entitled to inspect a copy of a search warrant affidavit in the office of the magistrate's clerk during normal business hours.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 18.01(b), Code of Criminal Procedure, to provide that a search warrant is public information if executed, and the magistrate's clerk shall make a copy of the affidavit available for public inspection in the clerk's office during normal business hours.

SECTION 2. Emergency clause.
Effective date: upon passage.