

## **BILL ANALYSIS**

Senate Research Center  
77R3230 GWK-F

S.B. 242  
By: Shapleigh  
Jurisprudence  
3/21/2001  
As Filed

### **DIGEST AND PURPOSE**

In past decisions, the Court of Criminal Appeals has held that peace officers may stop or detain a person without any suspicion of wrong-doing for the purpose of what is termed “community caretaking.” As proposed, S.B. 242 prohibits police officers from making pretext stops and seizures, which are stops or seizures that another reasonable peace officer, under the same circumstances, would not have made.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 38, Code of Criminal Procedure, by adding Article 38.24, as follows:

Art. 38.24. PRETEXT SEARCHES AND SEIZURES. Provides that a pretext search or seizure is prohibited under this chapter. Provides that a search or seizure made by a peace officer is a pretext search or a pretext seizure if a reasonable peace officer, under the same circumstances, would not have made the search or seizure.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.