

BILL ANALYSIS

Senate Research Center
85R5376 ADM-F

H.B. 1727
By: Faircloth (Creighton)
Criminal Justice
5/18/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, a search warrant may only be issued by a judge of a municipal court of record who is an attorney licensed by the state, a judge of a county court who is an attorney licensed by the state, or a judge of a statutory county court, district court, the court of criminal appeals, or the supreme court.

Counties such as Chambers County have limited judicial resources, and are often left in a position to either forgo search warrants or make future arrangements to obtain search warrants subject to the availability of the neighboring county.

Under Subsection 18.01(i), Code of Criminal Procedure, in a county that 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 in certain circumstances.

H.B. 1727 only affects Chambers County and will allow them to no longer rely on a municipal county court of record from another county, but rather allow any of the current magistrates to issue search warrants.

H.B. 1727 amends current law relating to the issuance of certain search warrants.

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 Article 18.01(i), Code of Criminal Procedure, as follows:

(i) Authorizes any magistrate, in a county that does not have a municipal court of record with a courtroom located in the county and a judge, rather than in a county that does not have a judge of a municipal court of record, who is an attorney licensed by the state, or certain other persons, to issue a search warrant under Article 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize certain property or items) or (12) (relating to authorizing a search warrant to be issued to search for and seize certain contraband subject to forfeiture), rather than under Subdivision (10) or Subdivision (12) of Article 18.02 of this code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.