

By: Moody

H.B. No. 3237

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to when search warrant affidavits become public  
3 information.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 18.01(b), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (b) No search warrant shall issue for any purpose in this  
8 state unless sufficient facts are first presented to satisfy the  
9 issuing magistrate that probable cause does in fact exist for its  
10 issuance. A sworn affidavit setting forth substantial facts  
11 establishing probable cause shall be filed in every instance in  
12 which a search warrant is requested. Except as provided by Article  
13 18.011, the affidavit becomes ~~is~~ public information when the  
14 search warrant for which the affidavit was presented is ~~is~~  
15 executed, and the magistrate's clerk shall make a copy of the  
16 affidavit available for public inspection in the clerk's office  
17 during normal business hours.

18 SECTION 2. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2017.