

1-1 By: Moody (Senate Sponsor - Whitmire) H.B. No. 3237
 1-2 (In the Senate - Received from the House May 5, 2017;
 1-3 May 8, 2017, read first time and referred to Committee on Criminal
 1-4 Justice; May 17, 2017, reported favorably by the following vote:
 1-5 Yeas 8, Nays 0; May 17, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the return of executed search warrants and the public
 1-20 availability of search warrant affidavits.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 18.01(b), Code of Criminal Procedure, is
 1-23 amended to read as follows:

1-24 (b) No search warrant shall issue for any purpose in this
 1-25 state unless sufficient facts are first presented to satisfy the
 1-26 issuing magistrate that probable cause does in fact exist for its
 1-27 issuance. A sworn affidavit setting forth substantial facts
 1-28 establishing probable cause shall be filed in every instance in
 1-29 which a search warrant is requested. Except as provided by Article
 1-30 18.011, the affidavit becomes ~~is~~ public information when the
 1-31 search warrant for which the affidavit was presented is ~~is~~
 1-32 executed, and the magistrate's clerk shall make a copy of the
 1-33 affidavit available for public inspection in the clerk's office
 1-34 during normal business hours.

1-35 SECTION 2. Article 18.10, Code of Criminal Procedure, is
 1-36 amended to read as follows:

1-37 Art. 18.10. HOW RETURN MADE. Not later than three whole
 1-38 days after executing a search warrant, the officer shall return the
 1-39 search warrant. Upon returning the search warrant, the officer
 1-40 shall state on the back of the same, or on some paper attached to it,
 1-41 the manner in which the warrant ~~it~~ has been executed. The officer
 1-42 ~~and~~ shall also ~~likewise~~ deliver to the magistrate a copy of the
 1-43 inventory of the property taken into his possession under the
 1-44 warrant. The failure of an officer to make a timely return of an
 1-45 executed search warrant or to submit an inventory of the property
 1-46 taken into the officer's possession under the warrant does not bar
 1-47 the admission of evidence under Article 38.23. The officer who
 1-48 seized the property shall retain custody of it until the magistrate
 1-49 issues an order directing the manner of safekeeping the property.
 1-50 The property may not be removed from the county in which it was
 1-51 seized without an order approving the removal, issued by a
 1-52 magistrate in the county in which the warrant was issued; provided,
 1-53 however, nothing herein shall prevent the officer, or his
 1-54 department, from forwarding any item or items seized to a
 1-55 laboratory for scientific analysis.

1-56 SECTION 3. This Act takes effect immediately if it receives
 1-57 a vote of two-thirds of all the members elected to each house, as
 1-58 provided by Section 39, Article III, Texas Constitution. If this
 1-59 Act does not receive the vote necessary for immediate effect, this
 1-60 Act takes effect September 1, 2017.

1-61 * * * * *