

BILL ANALYSIS

Senate Research Center

H.B. 3229
By: Capelo (Armbrister)
Criminal Justice
5/13/1999
Engrossed

DIGEST

Currently, Article 18.02, Code of Criminal Procedure, authorizes the issuance of a search warrant to search for and seize property or items enumerated in Subdivisions (1)-(9); property or items, except personal writings, constituting evidence in Subdivision (10); persons in Subdivision (11); and contraband subject to forfeiture in Subdivision (12); Article 18.01(d), Code of Criminal Procedure, authorizes the seizure of only the specifically described property or items set forth in a search warrant issued under Subdivision (10), Article 18.02, or property or items enumerated in Subdivisions (1)-(9), Article 18.02. Article 18.01(d) does not authorize the seizure of persons or contraband subject to forfeiture, with or without a search warrant. H.B. 3229 would amend Section 18.01(d) to authorize the seizure of only the specifically described property, items, persons, or contraband set forth and described in a search warrant issued under Article 18.02, Code of Criminal Procedure.

PURPOSE

As proposed, H.B. 3229 authorizes the seizure of certain property, items, person, or contraband.

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(d), Code of Criminal Procedure, to authorize the seizure of only items set forth in a search warrant issued under Subdivision (10) of Article 18.02 or property, items, persons, or contraband enumerated in Subdivision (1) through (9), (11), or (12) of Article 18.02. Makes conforming changes.

SECTION 2 Emergency clause.
Effective date: upon passage.