

BILL ANALYSIS

Senate Research Center
76R10974 GWK-D

C.S.S.B. 1000
By: Wentworth
Criminal Justice
4/15/1999
Committee Report (Substituted)

DIGEST

Currently, Texas law mandates that arrest warrants and any underlying affidavits filed therewith to be shown to the person being arrested by the magistrate. Texas law also mandates that the authority for an arrest to be made known to the accused, but is unclear by whom and where the original paperwork will be held for public inspection upon the arrest of the accused. C.S.S.B. 1000 would establish provisions regarding the making of arrest warrants and certain affidavits made in connection with the issuance of arrest warrants available for public inspection.

PURPOSE

As proposed, C.S.S.B. 1000 establishes provisions regarding the making of arrest warrants and certain affidavits made in connection with the issuance of arrest warrants available for public inspection.

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 15.26, Code of Criminal Procedure, to provide that the arrest warrant, and any affidavit filed in relation to the warrant, is public information upon execution of the warrant, and requires the magistrate's clerk and the attorney representing the state to make a copy of the warrant and affidavit available during normal business hours.

SECTION 2. Effective date: September 1, 1999.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Article 15.26, Code of Criminal Procedure, to delete proposed text regarding any affidavit filed with the magistrate and related to the issuance of the warrant.

SECTION 2.

Effective date: September 1, 1999.