

BILL ANALYSIS

Senate Research Center
77R6749 JMC-D

H.B. 1999
By: Cook (Armbrister)
Jurisprudence
5/3/2001
Engrossed

DIGEST AND PURPOSE

Current law exempts certain counties served by one attorney who is also a judge from the requirement of signing an evidentiary search warrant. Colorado County is part of a four-county district with two district judges who are licensed attorneys, neither of whom reside in Colorado County. It was recently determined that an evidentiary search warrant issued by a local justice of the peace was improper since two district judges serve Colorado County. Consequently, it is necessary for peace officers seeking an evidentiary search warrant in Colorado County to travel to have the warrant signed. H.B. 1999 authorizes a magistrate to issue a search warrant in a county in which the only judges serving the county who are licensed attorneys are two or more district judges each of whose district includes more than one county.

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, to provide that in a county in which the only judges serving the county who are licensed attorneys are two or more district judges each of whose district includes more than one county, any magistrate is authorized to issue a search warrant under Subdivision (10) or (12) of Article 18.02 of this code.

SECTION 2. Effective date: upon passage or September 1, 2001.