

BILL ANALYSIS

Senate Research Center
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S.B. 1195
By: Hinojosa
Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

The Fourth Amendment to the United States Constitution guarantees that Americans have the right to be free from unreasonable searches and seizures. However, that right has been eroded by a series of judicial decisions, particularly regarding citizens' rights at traffic stops. Consent searches at traffic stops occur when an officer has no probable cause to believe a crime has been committed, but asks for the driver's consent to search the vehicle.

S.B. 1195 prohibits peace officers from requesting permission to search vehicles stopped for traffic violations without probable cause.

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 1.06, Code of Criminal Procedure, to prohibit a peace officer who stops a motor vehicle for any alleged violation of a law or ordinance regulating traffic from requesting the operator of the motor vehicle for consent to search the vehicle, unless the peace officer has probable cause or another legal basis for the search.

SECTION 2. Effective date: September 1, 2005.