



Texas Search and Seizure-Law Enforcement Edition

Judge Robert R. Barton

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The Texas law of search and seizure is governed only in part by the Fourth Amendment of the United States Constitution. Texas courts have held that Article 1, Section 9 of the Texas Constitution may provide greater or less protection than the Fourth Amendment, and the Texas legislature has enacted many statutory provisions dictating the practices and procedures that must be followed in making arrests and conducting searches. These statutes have been the subject of interpretation and application by Texas courts. As a result, the Texas law of search and seizure is distinctive. That distinctive body of law is the subject of this book.

Because most arrest and search decisions are made and actions are taken initially by law-enforcement officers with little time for reflection, and, often, under stressful conditions, it is essential to their being competent and effective in the performance of their duties that they have adequate knowledge of, and ready access to, the law. This book is intended to provide that knowledge and access.

This book is a special edition of the forthcoming book TEXAS SEARCH AND SEIZURE 3rd EDITION. TEXAS SEARCH AND SEIZURE 3rd EDITION is designed for use by judges and attorneys. This Law Enforcement Edition is designed for use by law-enforcement officers. The text also contains endnotes that cite cases, statutes and treatises in support of statements contained in the text. Also, there are small, elevated letters that are contained in Cross References boxes at the end of sections and subsections of the book, and refer the user to other sections and subsections in which particular subjects and related subjects are discussed.

The book contains model forms designed for use by law enforcement officers. At the end of the section on Arrest With Warrant, there are forms of complaints that may be used to have warrants and capiases issued. At the end of the section on Search With Warrant, there are forms of affidavits that may be used to have warrants issued, and a form for consent to search.

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