

By: \_\_\_\_\_ .B. No. \_\_\_\_\_

Substitute the following for .B. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S. .B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1 AN ACT

2 relating to certain body cavity searches conducted by a peace  
3 officer.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. This Act may be cited as The Angel Law.

6 SECTION 2. Chapter 18, Code of Criminal Procedure, is  
7 amended by adding Article 18.24 to read as follows:

8 Art. 18.24. BODY CAVITY SEARCH DURING INVESTIGATIVE  
9 DETENTION. (a) In this article, "body cavity search" means an  
10 inspection that is conducted of a person's anal or vaginal cavity in  
11 any manner, including by visual inspection, digital probing, x-ray,  
12 enema, or colonoscopy.

13 (b) Notwithstanding any other law and except as otherwise  
14 provided by this article, a peace officer may not conduct a body  
15 cavity search of a person during a period in which the officer is  
16 detaining the person unless the officer first obtains a search  
17 warrant pursuant to this chapter authorizing the body cavity  
18 search.

19 (c) A body cavity search described by Subsection (b) must be  
20 conducted:

21 (1) in a private, sanitary place; and

22 (2) in accordance with medically recognized, hygienic  
23 practices.

24 (d) A peace officer who obtains protected health

1 information in the course of conducting a body cavity search under  
2 this article is subject to the same confidentiality requirements  
3 and penalties as a covered entity under Chapter 181, Health and  
4 Safety Code. For purposes of this subsection, "protected health  
5 information" has the meaning assigned by the Health Insurance  
6 Portability and Accountability Act and Privacy Standards, as that  
7 term is defined by Section 181.001, Health and Safety Code.

8 (e) A law enforcement agency that employs a peace officer  
9 who conducts a body cavity search described by Subsection (b) is  
10 liable for any medical expenses incident to the search.

11 (f) Evidence of compliance with Subsection (b) is a  
12 condition precedent to the admissibility of evidence obtained by a  
13 peace officer conducting a body cavity search of a person during a  
14 traffic stop.

15 (g) This article does not apply to a body cavity search:

16 (1) conducted pursuant to an investigation of border  
17 crime, as that term is defined by Section 772.0071, Government  
18 Code; or

19 (2) conducted on a person after the person is  
20 arrested, including any time during which the person is confined  
21 awaiting trial or after conviction of a criminal offense.

22 SECTION 3. This Act takes effect September 1, 2015.