A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(1) in a private, sanitary place; and

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

(d) A peace officer who obtains protected health
information in the course of conducting a body cavity search under this article is subject to the same confidentiality requirements and penalties as a covered entity under Chapter 181, Health and Safety Code. For purposes of this subsection, "protected health information" has the meaning assigned by the Health Insurance Portability and Accountability Act and Privacy Standards, as that term is defined by Section 181.001, Health and Safety Code.

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

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

(g) This article does not apply to a body cavity search:
   (1) conducted pursuant to an investigation of border crime, as that term is defined by Section 772.0071, Government Code; or
   (2) conducted on a person after the person is arrested, including any time during which the person is confined awaiting trial or after conviction of a criminal offense.

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