



**WARRANTS &  
CAPIASES**

# WARRANTS & CAPIASES

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### CHRONOLOGICALLY DISTINGUISHING THE WARRANT, CAPIAS, AND CAPIAS PRO FINE IN THE TEXAS CODE OF CRIMINAL PROCEDURE

Purpose	Prior to Formal Charging	After Formal Charging but Prior to Judgment	After Judgment and Sentence
Bond Forfeiture or Surrender of Principal	“Arrest Warrant” by <i>Magistrate</i> – Article 17.19	“Chapter 23 Capias” by <i>Trial Court</i>	
To Procure Custody	“Arrest Warrant” upon oath of affirmation & determination of probable cause by <i>Magistrate</i> – Specific Provision: Article 45.014 “Arrest Warrant” by <i>Municipal Court or Justice Court</i>	“Chapter 23 Capias” by <i>Trial Court</i> – Specific Provision: Article 45.014 “Arrest Warrant” by <i>Municipal Court or Justice Court</i>	“Chapter 43 Capias” by <i>Trial Court</i> – Article 43.015(1) – Article 43.04
To Enforce Judgment for Unpaid Fines and/or Costs			“Capias Pro Fine” by <i>Trial Court</i> ❖ General Provisions – Article 43.015(2) – Article 43.021 – Article 43.05 – Article 43.06 – Article 43.07 ❖ Specific Procedures in Chapter 45 Courts – Article 45.045 – Article 45.046 ❖ Specific Procedures in Other Trial Courts – Article 43.03

WARRANT OF ARREST: JUDGE (Art. 45.014, C.C.P.)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS § IN THE MUNICIPAL COURT
VS. § CITY OF \_\_\_\_\_
\_\_\_\_\_ § \_\_\_\_\_ COUNTY, TEXAS

THE STATE OF TEXAS, TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to arrest \_\_\_\_\_, Defendant, and bring (him) (her) before the Municipal Court named above on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Herein fail not, but make due service and return of this warrant of arrest, showing how you executed the same.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(municipal court seal)

\_\_\_\_\_  
Judge, Municipal Court  
City of \_\_\_\_\_  
\_\_\_\_\_ County, Texas

OFFICER'S RETURN

Came to hand the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_.

\_\_\_\_\_  
Peace Officer

Editor's Note: A judge may not issue an arrest warrant for the defendant's failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless: (1) the judge provides by telephone or regular mail to the defendant notice that includes: (a) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge; (b) the name and address of the court with jurisdiction in the case; (c) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; (d) a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice was given; and (e) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and (2) the defendant fails to appear before the judge. A judge shall recall an arrest warrant for the defendant's failure to appear if, before the warrant is executed, the defendant voluntarily appears to resolve the warrant, makes a good faith effort to resolve the arrest warrant, and the arrest warrant is resolved in any manner authorized by the Code of Criminal Procedure.

WARRANT OF ARREST: MAGISTRATE (Art. 15.02, C.C.P.)

THE STATE OF TEXAS, §

CITY OF \_\_\_\_\_ §

\_\_\_\_\_ COUNTY §

THE STATE OF TEXAS, TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

You are hereby commanded to arrest \_\_\_\_\_, Defendant, to be dealt with according to law. Said Defendant has been accused of the (felony) (misdemeanor) offense: \_\_\_\_\_, which is against the laws of the State of Texas and/or against the city ordinances of \_\_\_\_\_.

Herein fail not, but make due service and return of this warrant of arrest, showing how you executed the same.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Magistrate  
Municipal Judge, City of \_\_\_\_\_  
\_\_\_\_\_ County, Texas

OFFICER'S RETURN

Came to hand the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_.

\_\_\_\_\_  
Peace Officer

AFFIDAVIT FOR PROBABLE CAUSE FOR ARREST WARRANT (Under Chapter 45, C.C.P.)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF \_\_\_\_\_

\_\_\_\_\_

§

\_\_\_\_\_ COUNTY, TEXAS

AFFIDAVIT

My name is \_\_\_\_\_ and I have good reason to believe and do believe that the offense of \_\_\_\_\_ has been committed within the territorial limits of the City of \_\_\_\_\_, \_\_\_\_\_ County, State of Texas, as set forth in the attached reports and documents that are incorporated herein as if set forth in their entirety.

Affiant's belief is based on the following:

- Affiant's personal investigation of this offense, which is described in the attached reports and documents.
- Information received from \_\_\_\_\_, a peace officer whom Affiant believes to be credible and who personally participated in the investigation of this offense, whose information is described in the attached reports and documents.

\_\_\_\_\_  
Affiant

**BEFORE ME**, the undersigned authority, on this day appeared (in-person) (through an electronic broadcast system) \_\_\_\_\_, known to me to be the person whose name is subscribed to the above statement, and after being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Sworn to and subscribed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Notary Public in and for the State of Texas)

**AFFIDAVIT FOR PROBABLE CAUSE FOR ARREST WARRANT (Under Chapter 15, C.C.P.)**

**THE STATE OF TEXAS,** §

**CITY OF \_\_\_\_\_** §

**\_\_\_\_\_ COUNTY** §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I have good reason to believe and do believe that the offense of \_\_\_\_\_  
\_\_\_\_\_ has been committed in \_\_\_\_\_ County, State of Texas, as  
set forth in the attached reports and documents that are incorporated herein as if set forth in their entirety.

Affiant's belief is based on the following:

- Affiant's personal investigation of this offense, which is described in the attached reports and documents.
  
- Information received from \_\_\_\_\_, a peace officer whom Affiant believes to be credible and who personally participated in the investigation of this offense, whose information is described in the attached reports and documents.

\_\_\_\_\_  
Affiant

**BEFORE ME**, the undersigned authority, on this day appeared (in-person) (through an electronic broadcast system) \_\_\_\_\_, known to me to be the person whose name is subscribed to the above statement, and after being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

**Sworn to and subscribed** before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Magistrate)(Clerk)(Notary Public in and for the State of Texas)

**AFFIDAVIT FOR PROBABLE CAUSE FOR FAILURE TO APPEAR (Sec. 38.10(a), P.C.)**

**CAUSE NUMBER:** \_\_\_\_\_

**STATE OF TEXAS**

§

**IN THE MUNICIPAL COURT**

**VS.**

§

**CITY OF** \_\_\_\_\_

§

\_\_\_\_\_ **COUNTY, TEXAS**

**AFFIDAVIT**

I, \_\_\_\_\_, being duly sworn on oath, state that I have good reason to believe and do believe that:

On or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the City of \_\_\_\_\_, \_\_\_\_\_ County, Texas, \_\_\_\_\_, the Defendant, committed the offense of Failure to Appear. My belief of the above is based upon the following: \_\_\_\_\_.

On this day, Affiant personally examined the official court records in Cause Number \_\_\_\_\_. Defendant is charged with the offense of \_\_\_\_\_, a misdemeanor. On \_\_\_\_\_, 20\_\_, Defendant was in the custody of \_\_\_\_\_ and was released from custody that day. Defendant's (bail)(order of release) states that it is conditioned upon Defendant subsequently appearing in this Court at \_\_\_\_\_ o'clock, \_\_.m. on \_\_\_\_\_, 20\_\_.

- Affiant was present in the courtroom at the above stated time and date when the docket, including the Defendant's name, was called. The Defendant did not answer, did not appear, and did not appear by counsel.
- Affiant is custodian of the court records and has examined the records to determine if the Defendant appeared as required. The court records show that the Defendant did not appear and did not appear by counsel.

\_\_\_\_\_  
Affiant

**Sworn to and subscribed** before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Notary Public in and for the State of Texas)

**AFFIDAVIT FOR PROBABLE CAUSE FOR FAILURE TO APPEAR OR VIOLATION OF PROMISE TO APPEAR WHEN ORIGINAL CHARGE FILED BY CITATION (Sec. 38.10(a), P.C. and Sec. 543.009(b), T.C.)**

**CAUSE NUMBER:** \_\_\_\_\_

**STATE OF TEXAS**

§

**IN THE MUNICIPAL COURT**

**VS.**

§

**CITY OF** \_\_\_\_\_

§

\_\_\_\_\_ **COUNTY, TEXAS**

**AFFIDAVIT**

I, \_\_\_\_\_, being duly sworn on oath, state that I have good reason to believe and do believe that:

On or about the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, in the City of \_\_\_\_\_, in \_\_\_\_\_ County, Texas, \_\_\_\_\_, the Defendant, did willfully violate (his)(her) written promise to appear in court.

On this day, Affiant reviewed the citation issued to the Defendant by a licensed Texas peace officer, who arrested and released the Defendant and identified the Defendant as:

Name: \_\_\_\_\_ Race: \_\_\_\_\_ Sex: \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Texas Driver's License #: \_\_\_\_\_

Affiant saw that the citation contained the name and address given by the Defendant, the license plate number of the vehicle, charged the offense of \_\_\_\_\_, stated the time and place, when and where the Defendant was to appear, and showed that the Defendant gave (his)(her) written promise to appear by (his)(her) signature to the written notice prepared by the officer. A true and correct copy of the citation is attached and incorporated by reference.

- Affiant was present in the courtroom at the above stated time and date when the docket, including the Defendant's name, was called. The Defendant did not answer, did not appear, and did not appear by counsel.
- Affiant is custodian of the court records and has examined the records to determine if the Defendant appeared as required. The court records show that the Defendant did not appear and did not appear by counsel.

\_\_\_\_\_  
Affiant

**Sworn to and subscribed** before me on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
(Judge)(Clerk)(Notary Public in and for the State of Texas)



NOTICE – INITIAL COURT SETTING (Art. 45.014, C.C.P.)

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF \_\_\_\_\_

§

\_\_\_\_\_ COUNTY, TEXAS

NOTICE

You received a citation on \_\_\_\_\_, 20\_\_ for the offense of \_\_\_\_\_, requiring you to appear in court. (If other charges have been filed, such as failure to appear, include that information here.)

You are hereby **ORDERED** to appear at the \_\_\_\_\_ Municipal Court, located at \_\_\_\_\_ to enter a plea on the charge on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ (a.m.)(p.m.) (date must be within 30-day period following the date of the notice). **Failure to enter a plea may result in a warrant for your arrest.**

Prior to that date, you may enter a plea by mail or in person during business hours: \_\_\_\_\_. More information is available on the court’s website: \_\_\_\_\_.

**To avoid arrest and further fees, it is important that you communicate with the court.** If you are unable to appear in court on the date and time listed above, contact the court immediately. You can reach the court by calling \_\_\_\_\_.

If you are convicted and the court determines that you are unable to pay the fine and costs, there are alternatives to the full payment of any fine or costs owed, which may include community service and installment payments.

You may be entitled to a credit toward any fine or costs owed if you were confined in jail or prison after the commission of the offense for which this notice is given.

**If you come to the court to resolve your case, you will not be arrested at the court for any charges filed in this court.**

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

This notice mailed on \_\_\_\_\_, 20\_\_.

(municipal court seal)

\_\_\_\_\_  
Judge, Municipal Court  
City of \_\_\_\_\_  
\_\_\_\_\_ County, Texas

**Editor’s Note:** A judge may not issue an arrest warrant for the defendant’s failure to appear at the initial court setting, including failure to appear as required by a citation issued under Article 14.06(b), unless: (1) the judge provides by telephone or regular mail to the defendant notice that includes: (a) a date and time, occurring within the 30-day period following the date that notice is provided, when the defendant must appear before the justice or judge; (b) the name and address of the court with jurisdiction in the case; (c) information regarding alternatives to the full payment of any fine or costs owed by the defendant, if the defendant is unable to pay that amount; (d) a statement that the defendant may be entitled to a credit toward any fine or costs owed by the defendant if the defendant was confined in jail or prison after the commission of the offense for which the notice was given; and (e) an explanation of the consequences if the defendant fails to appear before the justice or judge as required by this article; and (2) the defendant fails to appear before the judge. A judge shall recall an arrest warrant for the defendant’s failure to appear if, before the warrant is executed, the defendant voluntarily appears to resolve the warrant, makes a good faith effort to resolve the arrest warrant, and the arrest warrant is resolved in any manner authorized by the Code of Criminal Procedure.

See also Section 80.002 of the Government Code, authorizing a court, justice, judge, magistrate, or clerk to send any required notice using mail or electronic mail.

If the court sends this notice after the defendant misses the initial court setting, and if a charge of failure to appear or violation of a promise to appear (or another non-appearance crime) is filed, include that charge in this notice.

SEARCH WARRANT (Arts. 18.01, 18.02, and 18.04, C.C.P.)

THE STATE OF TEXAS, §
CITY OF \_\_\_\_\_ §
\_\_\_\_\_ COUNTY §

TO ANY PEACE OFFICER OF THE STATE OF TEXAS – GREETINGS:

WHEREAS, the Affiant, whose name appears on the attached affidavit hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for issuance of this warrant;

Now, therefore, you are hereby commanded to enter the suspected place, vehicles, and premises described in said affidavit, to wit: \_\_\_\_\_ . At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit which the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his/her possession in violation of the laws of the State of Texas, to wit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ [at \_\_\_\_\_ o'clock \_\_.m. (include time of issuance if information for the warrant was provided by telephone or reliable electronic means under Art. 18.01(b-1)].

\_\_\_\_\_  
Magistrate  
\_\_\_\_\_  
Magistrate's Printed or Typewritten Name  
Municipal Judge, City of \_\_\_\_\_  
\_\_\_\_\_, County, Texas

OFFICER'S RETURN

Came to hand the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_.

\_\_\_\_\_  
Peace Officer

Editor's Note: In addition to the other requirements in Chapter 18, C.C.P., search warrants issued on or after September 1, 2015 must contain, in addition to the magistrate's signature, the magistrate's name either in clearly legible handwriting or in typewritten form. Art. 18.04(5), C.C.P.
An officer shall return a search warrant no later than three days after its execution. The failure of an officer to make a timely return of an executed search warrant or to submit an inventory of the property taken into the officer's possession under the warrant does not bar the admission of evidence under Art. 38.23, C.C.P. See Inventory of Property Taken Under a Search Warrant form located in the Magistrate Duties chapter.
Article 18.01(i), C.C.P., provides: "In a county that does not have a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, any magistrate may issue a search warrant under Article 18.02(a)(10) or (12). This subsection is not applicable to a subsequent search warrant under Article 18.02(a)(10)."

**AFFIDAVIT FOR SEARCH WARRANT (Art. 18.02(A)(1)-(9), C.C.P.)**

THE STATE OF TEXAS, §  
CITY OF \_\_\_\_\_ §  
\_\_\_\_\_ COUNTY §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I am commissioned as a peace officer by \_\_\_\_\_.

1. There is in \_\_\_\_\_ County, Texas, a suspected place and premises described and located as follows: \_\_\_\_\_  
Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of the affidavit as if written herein.
2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: \_\_\_\_\_
3. It is the belief of Affiant that said suspected place contains in violation of the laws of the State of Texas the following property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
3. Affiant has probable cause for said belief by reason of the following facts and circumstances: \_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, Affiant asks for issuance of a warrant that will authorize Affiant and other peace officers to search said suspected place and premises for the property described above and seize the same.

\_\_\_\_\_  
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Magistrate's Printed or Typewritten Name

Municipal Judge, City of \_\_\_\_\_

\_\_\_\_\_  
County, Texas

**Editor's Note:** Affidavits for search warrants issued under Art. 18.02(a)(10), (12), and (14) have specific requirements not listed in this form. See Articles 18.01 and 18.0215, C.C.P.

A peace officer generally may not search a person's cell phone or other wireless communication device, pursuant to a lawful arrest, without a warrant. Exceptions like consent are listed in Article 18.0215(d), C.C.P. A warrant under Art. 18.0215 may only be issued by a judge in the same judicial district as the site of the agency that employs the peace officer (if the phone is in the officer's possession) or the likely location of the phone or device. The requirements of the application for this type of warrant are found in Article 18.0215(c), C.C.P.

**AFFIDAVIT FOR SEARCH WARRANT SUBMITTED BY TELEPHONE OR OTHER ELECTRONIC MEANS (Arts. 18.01(b-1), 18.02(a)(1)-(9), C.C.P.)**

**THE STATE OF TEXAS,** §

**CITY OF \_\_\_\_\_** §

**\_\_\_\_\_ COUNTY** §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I am commissioned as a peace officer by \_\_\_\_\_.

1. There is in \_\_\_\_\_ County, Texas, a suspected place and premises described and located as follows: \_\_\_\_\_  
\_\_\_\_\_ Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of the affidavit as if written herein.
2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: \_\_\_\_\_
3. It is the belief of Affiant that said suspected place contains in violation of the laws of the State of Texas the following property: \_\_\_\_\_  
\_\_\_\_\_
4. Affiant has probable cause for said belief by reason of the following facts and circumstances: \_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, Affiant asks for issuance of a warrant that will authorize Affiant and other peace officers to search said suspected place and premises for the property described above and seize the same.

\_\_\_\_\_  
Affiant

TO ME, the undersigned authority, by telephone or other reliable electronic means the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly attested that the statements contained herein are true and correct to the best of his/her knowledge.

**Submitted by electronic means, sworn to, and signature attested telephonically** per Article 18.01(b-1) of the Code of Criminal Procedure on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Magistrate's Printed or Typewritten Name

Municipal Judge, City of \_\_\_\_\_  
\_\_\_\_\_ County, Texas

**Editor's Note:** Applicants for search warrants who submit information by telephone or other reliable electronic means under Article 18.01(b-1), C.C.P., must prepare a proposed duplicate original of the warrant and must read or otherwise transmit its contents verbatim to the magistrate. A magistrate must enter into an original search warrant the contents of the proposed duplicate original that are read to the magistrate. If the applicant transmits the contents by reliable electronic means, the transmission received by the magistrate may serve as the original search warrant. The magistrate may modify a search warrant submitted this way, but then must follow Article 18.01(b-1)(4), C.C.P. A magistrate who issues a search warrant for which information is provided by telephone or reliable electronic means must: (1) sign the original document; (2) enter the date and time of issuance on the warrant; and (3) transmit the warrant by reliable electronic means to the applicant or direct the applicant to sign the judge's name and enter the date and time on the duplicate original.

If an applicant for a search warrant attests to the contents of an affidavit submitted by reliable electronic means, the magistrate must acknowledge the attestation in writing on the affidavit. If the magistrate considers additional testimony or exhibits, the magistrate must: (1) ensure the testimony is recorded verbatim by an electronic recording device, court reporter, or in writing; (2) ensure that any recoding or reporter's notes are transcribed and that the transcription is certified as accurate and is preserved; (3) sign, certify accuracy, and preserve any other written record; and (4) ensure that the exhibits are preserved.

Art. 18.01(b-1)(2), C.C.P.

SEARCH AND ARREST WARRANT (Arts. 18.02, 18.03, 18.04, and 15.02, C.C.P.)

THE STATE OF TEXAS, §
CITY OF \_\_\_\_\_ §
\_\_\_\_\_ COUNTY §

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

WHEREAS, the Affiant, whose name appears on the attached affidavit hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for issuance of this warrant;

Now, therefore, you are hereby commanded to enter the suspected place, vehicles, and premises described in said affidavit, to wit: \_\_\_\_\_ . At said places you shall search for and, if same be found, seize and bring before me the property described in the affidavit which the suspected party, or others in control of the suspected place, are alleged to be concealing and to have in his/her possession in violation of the laws of the State of Texas, to wit: \_\_\_\_\_

Further, you are commanded to arrest and search each suspected party named and described in said affidavit, to wit: \_\_\_\_\_ . This individual is accused of an offense against the laws of the State: namely, (felony) (misdemeanor) \_\_\_\_\_ , which is against the laws of the State of Texas and/or against the city ordinances of said city. You may arrest others for the same offense who are unknown to the affiant but found to be occupants of said premises and in control of same.

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Magistrate
Magistrate's Printed or Typewritten Name
Municipal Judge, City of \_\_\_\_\_
\_\_\_\_\_ County, Texas

OFFICER'S RETURN

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_

Peace Officer

Editor's Note: Search Warrants issued on or after September 1, 2015 must contain, in addition to the magistrate's signature, the magistrate's name either in clearly legible handwriting or in typewritten form. Art. 18.04(5), C.C.P.

**AFFIDAVIT FOR COMBINED SEARCH AND ARREST WARRANT (Art. 18.02(a)(1)-(9), C.C.P.)**

**THE STATE OF TEXAS,** §  
**CITY OF \_\_\_\_\_** §  
**\_\_\_\_\_ COUNTY** §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I am commissioned as a peace officer by \_\_\_\_\_.

1. There is in \_\_\_\_\_ County, Texas, a suspected place and premises described and located as follows: \_\_\_\_\_  
\_\_\_\_\_ Said suspected place, in addition to the foregoing description, also includes all other buildings, structures, places, and vehicles on said premises and within the curtilage, if said premises is a residence, which are found to be under the control of the suspected party named below and in, on, or around which said suspected party may reasonably reposit or secrete property that is the object of the search requested herein. Attached as Exhibit A is a diagram illustrating the relative location of the place to be searched; it is to be considered as part of the affidavit as if written herein.
2. Said suspected place is in the charge of and controlled by each of the following named and/or described suspected parties, to wit: \_\_\_\_\_.
3. It is the belief of Affiant that said suspected party has possession of and is concealing at said suspected place in violation of the laws of the State of Texas the following property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
4. Affiant has good reason to believe, does believe, and hereby charges and accuses that on or about \_\_\_\_\_ in \_\_\_\_\_ County, Texas, the suspected party committed an offense against the laws of the State of Texas, to wit: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.
5. Affiant has probable cause for said belief by reason of the following facts and circumstances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

WHEREFORE, Affiant asks for issuance of a warrant that will authorize Affiant and other peace officers to search said suspected place and premises for the property described above and seize same, and to arrest and search each suspected party named and described herein and others unknown to affiant found to be occupants of and in control of said premises.

\_\_\_\_\_  
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

**Subscribed and sworn to** before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Magistrate  
\_\_\_\_\_  
Magistrate's Printed or Typewritten Name  
Municipal Judge, City of \_\_\_\_\_  
\_\_\_\_\_  
County, Texas

THE STATE OF TEXAS, §

CITY OF \_\_\_\_\_ §

\_\_\_\_\_ COUNTY §

TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:

WHEREAS, the Affiant, whose name appears on the affidavit attached hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for the issuance of this warrant:

Now, therefore, you are commanded to take custody of the suspect and transport the suspect to a hospital in \_\_\_\_\_ County, Texas where you shall search for, seize, and maintain as evidence the property described in said affidavit, to-wit: human blood from the body of the following described individual:

Name: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_  
Height: \_\_\_\_\_ Weight: \_\_\_\_\_ lbs Hair color: \_\_\_\_\_

Herein fail not, but make due service and return of this warrant, showing how you executed the same.

Signed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ [at \_\_\_\_\_ o'clock \_\_.m. (include time of issuance if information for the warrant was provided by telephone or reliable electronic means under Art. 18.01(b-1)].

\_\_\_\_\_  
Magistrate  
\_\_\_\_\_  
Magistrate's Printed or Typewritten Name  
Municipal Judge, City of \_\_\_\_\_  
\_\_\_\_\_  
County, Texas

RETURN AND INVENTORY

The undersigned, being a Peace Officer under the laws of the State of Texas, confirms that the foregoing Warrant came to hand on the day it was issued and that it was executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by making the search directed therein and seizing during such search the following described property:

A specimen of the suspect's blood.

\_\_\_\_\_  
Signature of Officer

**Editor's Notes:** Any magistrate who is a licensed Texas attorney may issue a search warrant to collect a blood specimen from a person who is arrested for certain intoxication or alcohol offenses and refuses to submit to a breath or blood alcohol test. In a county that does not have a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by the state, a county court judge who is an attorney licensed by the state, or a statutory county court judge, any magistrate may issue a search warrant under Article 18.02(a)(10) (includes blood warrants, but does not apply to subsequent search warrants under (a)(10)).  
  
Effective September 1, 2021, blood search warrants may be executed in any county adjacent to the county in which the warrant was issued by any law enforcement officer authorized to make an arrest in the county of execution. Art. 18.067, C.C.P.

THE STATE OF TEXAS, §

CITY OF \_\_\_\_\_ §

\_\_\_\_\_ COUNTY §

**ORDER FOR ASSISTANCE IN EXECUTION OF SEARCH WARRANT**

**To any physician, nurse, medical technician, or phlebotomist, licensed by the State of Texas, or other person qualified in the intravenous removal of human blood - Greetings:**

Whereas, the Affiant, whose name appears on the affidavit attached hereto, is a peace officer under the laws of the State of Texas and did heretofore this day subscribe and swear to said affidavit before me (now made a part hereof and incorporated herein as if written verbatim within this document), and whereas I find that the verified facts stated by Affiant in said affidavit show that Affiant has probable cause for the belief he/she expresses herein and establishes the existence of proper grounds for the issuance of a search warrant;

And whereas, this Court has issued a **warrant to search for and seize blood** from the suspect named and described in the affidavit, to-wit:

Name: \_\_\_\_\_

Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ lbs Hair color: \_\_\_\_\_

**Therefore, you are hereby ordered and commanded to cooperate with any peace officer requesting your professional assistance in the execution of this warrant.**

Herein fail not, as this Order, directed to any individual whose aid and assistance is requested by the officer bearing the accompanying search warrant, is authorized by the full authority of this Court to issue warrants and orders to enforce the laws of the State of Texas, and Article 18.08, Code of Criminal Procedure. **Any individual who fails to comply with this Order when requested shall be liable for contempt of this Court and subject to all penalties authorized by law.**

**Ordered** this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_.m.

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Magistrate's Printed or Typewritten Name

Municipal Judge, City of \_\_\_\_\_

\_\_\_\_\_  
County, Texas



**AFFIDAVIT FOR BLOOD SEARCH WARRANT**

**THE STATE OF TEXAS,** §

**CITY OF \_\_\_\_\_** §

**\_\_\_\_\_ COUNTY** §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I am commissioned as a peace officer by \_\_\_\_\_.

1. There is in \_\_\_\_\_ County, Texas, a suspected person described as follows:

Name: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_  
Height: \_\_\_\_\_ Weight: \_\_\_\_\_ lbs Hair color: \_\_\_\_\_

Said suspected person is presently in the custody of a law enforcement agency, namely the \_\_\_\_\_, which will present the suspect to execute the warrant requested herein.

2. Said suspected person has possession of and is concealing human blood, which constitutes evidence that the suspect committed the following offense:

- Driving While Intoxicated
- Driving While Intoxicated with a Child Passenger
- Flying While Intoxicated
- Boating While Intoxicated
- Assembling or Operating an Amusement Ride While Intoxicated
- Intoxication Assault
- Intoxication Manslaughter

3. Affiant has probable cause for his/her belief the suspected person committed the above-described offense by reason of the following facts and circumstance: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Affiant placed said suspected person under arrest and requested a sample of the suspected person’s breath or blood, which the suspected person refused to provide.

WHEREFORE, Affiant asks for issuance of a search warrant that will authorize Affiant or Affiant’s agent to search the person of the suspect for the blood evidence described above and seize the same as evidence that the offense described was committed and that the suspect committed said offense.

\_\_\_\_\_  
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

**Subscribed and sworn to** before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Magistrate’s Printed or Typewritten Name

Municipal Judge, City of \_\_\_\_\_

\_\_\_\_\_  
County, Texas

**AFFIDAVIT FOR BLOOD SEARCH WARRANT SUBMITTED BY TELEPHONE OR OTHER ELECTRONIC MEANS (Art. 18.01(b-1), C.C.P.)**

**THE STATE OF TEXAS,** §

**CITY OF \_\_\_\_\_** §

**\_\_\_\_\_ COUNTY** §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I am commissioned as a peace officer by \_\_\_\_\_.

1. There is in \_\_\_\_\_ County, Texas, a suspected person described as follows:

Name: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_  
Height: \_\_\_\_\_ Weight: \_\_\_\_\_ lbs Hair color: \_\_\_\_\_

Said suspected person is presently in the custody of a law enforcement agency, namely the \_\_\_\_\_, which will present the suspect to execute the warrant requested herein.

2. Said suspected person has possession of and is concealing human blood, which constitutes evidence that the suspect committed the following offense:

- Driving While Intoxicated
- Driving While Intoxicated with a Child Passenger
- Flying While Intoxicated
- Boating While Intoxicated
- Assembling or Operating an Amusement Ride While Intoxicated
- Intoxication Assault
- Intoxication Manslaughter

3. Affiant has probable cause for his/her belief the suspected person committed the above-described offense by reason of the following facts and circumstance \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

4. Affiant placed said suspected person under arrest and requested a sample of the suspected person's breath or blood, which the suspected person refused to provide.

WHEREFORE, Affiant asks for issuance of a search warrant that will authorize Affiant or Affiant's agent to search the person of the suspect for the blood evidence described above and seize the same as evidence that the offense described was committed and that the suspect committed said offense.

\_\_\_\_\_  
Affiant

TO ME, the undersigned authority, by telephone or other reliable electronic means the Affiant herein, a peace officer under the laws of the State of Texas, who, being sworn by me, duly attested that the statements contained herein are true and correct to the best of his/her knowledge.

**Submitted by electronic means, sworn to, and signature attested telephonically** per Article 18.01(b-1) of the Code of Criminal Procedure on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ o'clock \_\_.m..

\_\_\_\_\_  
Magistrate

\_\_\_\_\_  
Magistrate's Printed or Typewritten Name

Municipal Judge, City of \_\_\_\_\_

\_\_\_\_\_  
County, Texas

SEARCH WARRANT FOR FIRE, HEALTH, AND CODE INSPECTIONS (Art. 18.05, C.C.P.)

THE STATE OF TEXAS, §

CITY OF \_\_\_\_\_ §

\_\_\_\_\_ COUNTY §

THE STATE OF TEXAS to any Fire Marshal, Health Officer, or Code Enforcement Official (of the State of Texas) (of \_\_\_\_\_ County, Texas) (of the City of \_\_\_\_\_, \_\_\_\_\_ County, Texas), who has responsibility for the inspection of any specified premises to determine the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance in the territorial limits of the City of \_\_\_\_\_, Texas:

WHEREAS, the affiant whose signature is affixed to the affidavit supporting the issuance of this warrant is a (Fire Marshal) (Health Officer) (Code Enforcement Official) under the laws of the State of Texas and did therefore this day subscribe and swear to said affidavit before me, which affidavit is attached hereto and incorporated herein by reference for all purposes, and whereas I find that the verified facts and information contained therein and stated by affiant are sufficient to establish probable cause for the issuance of this warrant.

NOW THEREFORE, you are hereby commanded to enter upon and search the suspected place and premises described in said affidavit and to there determine the presence of fire or health hazards, unsafe building conditions or violations of any fire, health, or building regulation, statute, or ordinance of the city of \_\_\_\_\_ or the State of Texas, and in particular, to determine the presence of \_\_\_\_\_ in violation of said regulation, statute, or ordinance.

Herein fail not but have you then and there execute this warrant within three (3) days, exclusive of the day of issuance and exclusive of the day of execution, with your return showing how you executed same.

ISSUED at \_\_\_\_\_ o'clock (a.m.) (p.m.), on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to certify which witness my hand and seal this day.

\_\_\_\_\_  
Judge, (City), Municipal Court

\_\_\_\_\_  
Magistrate's Printed or Typewritten Name

OFFICER'S RETURN

Came to hand the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_.

\_\_\_\_\_  
(Fire Marshal) (Health Officer) (Code Enforcement Official)

**Editor's Note:** A search warrant may not be issued under Article 18.05, C.C.P., to a code enforcement official of a county with a population of 3.3 million or more for the purpose of allowing the inspection of specified premises to determine the presence of an unsafe building condition or a violation of a building regulation, statute, or ordinance.

THE STATE OF TEXAS, §  
CITY OF \_\_\_\_\_ §  
\_\_\_\_\_ COUNTY §

**AFFIDAVIT**

My name is \_\_\_\_\_ and I am the/a (Fire Marshal) (Health Officer) (Code Enforcement Official) (of the State of Texas) (of \_\_\_\_\_ County, Texas) (of the City of \_\_\_\_\_, \_\_\_\_\_ County, Texas). Being duly sworn, on oath, I make the following statement and accusations:

1. I am the/a (Fire Marshal) (Health Officer) (Code Enforcement Official) (of the State of Texas) (of \_\_\_\_\_ County, Texas) (of the City of \_\_\_\_\_, \_\_\_\_\_ County, Texas), and have personal knowledge of the facts stated herein and they are all true and correct;
2. There is in the City of \_\_\_\_\_, \_\_\_\_\_ County, Texas, a (specified premises), described and located as follows: \_\_\_\_\_  
\_\_\_\_\_ herein referred to as "Premises;"
3. Premises are in the charge of and controlled by the following person(s): \_\_\_\_\_, who resides at : \_\_\_\_\_
4. At said Premises, there is evidence that a fire or health hazard or violation or unsafe building condition is present in the Premises sought to be inspected, such hazard or violation or condition being \_\_\_\_\_ and such evidence being \_\_\_\_\_
5. Based upon the reasons set forth above, I have good reason to believe and do believe that there is probable cause that a fire or health hazard or violation or unsafe building condition is present on the Premises sought to be inspected.

**WHEREFORE**, for these reasons, I ask for issuance of a warrant that will authorize me to inspect the Premises for the purpose of determining the presence of a fire or health hazard or unsafe building condition or a violation of any fire, health, or building regulation, statute, or ordinance.

\_\_\_\_\_  
Affiant

BEFORE ME, the undersigned authority, on this day personally appeared the Affiant herein, who, being sworn by me, duly stated that the statements contained herein are true and correct to the best of his/her knowledge.

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge, (City) Municipal Court  
\_\_\_\_\_  
Magistrate's Printed or Typewritten Name

**Editor's Note:** In determining probable cause for the purposes of Article 18.05(b), C.C.P., the magistrate is not limited to evidence of specific knowledge, but may consider any of the items listed in Article 18.05(c), C.C.P.

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF \_\_\_\_\_

\_\_\_\_\_

§

\_\_\_\_\_ COUNTY, TEXAS

**THE STATE OF TEXAS, TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:**

You are hereby commanded to arrest \_\_\_\_\_, Defendant, and bring (him)(her) before the Municipal Court named above (immediately) (on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_). Said Defendant has been accused of the fine-only misdemeanor offense: \_\_\_\_\_, which is against the laws of the State of Texas and/or against the ordinances of said city.

**Herein fail not**, but make due service and return of this writ of capias on \_\_\_\_\_, 20\_\_, showing how you executed the same.

**Signed** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

*(municipal court seal)*

\_\_\_\_\_  
Judge, Municipal Court  
City of \_\_\_\_\_  
\_\_\_\_\_  
County, Texas

**OFFICER'S RETURN**

Came to hand the \_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_.

\_\_\_\_\_  
Peace Officer

CAUSE NUMBER: \_\_\_\_\_

STATE OF TEXAS

§

IN THE MUNICIPAL COURT

VS.

§

CITY OF \_\_\_\_\_

\_\_\_\_\_

§

\_\_\_\_\_ COUNTY, TEXAS

**TO ANY PEACE OFFICER OF THE STATE OF TEXAS - GREETINGS:**

You are hereby commanded to arrest \_\_\_\_\_, Defendant, and bring (him)(her) before the Municipal Court named above (immediately) (on the \_\_\_ day of \_\_\_\_\_, 20\_\_). Said Defendant has been convicted of the fine-only misdemeanor offense: \_\_\_\_\_, which is against the laws of the State of Texas and/or against the ordinances of this city.

**Herein fail not**, but make due service and return of this writ of capias on \_\_\_\_\_, 20\_\_, showing how you executed the same.

**Signed** this \_\_\_ day of \_\_\_\_\_, 20\_\_.

*(municipal court seal)*

\_\_\_\_\_  
Judge, Municipal Court  
City of \_\_\_\_\_  
\_\_\_\_\_ County, Texas

**OFFICER'S RETURN**

Came to hand the \_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. and executed on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, at \_\_\_\_\_ o'clock \_\_.m. by \_\_\_\_\_.

\_\_\_\_\_  
Peace Officer

**Editor's Note:** A court may not issue a capias pro fine for the defendant's failure to satisfy the judgment according to its terms unless the court holds a hearing to determine whether the judgment imposes an undue hardship on the defendant, and the defendant fails to: (1) appear at the hearing; or (2) comply with an order issued under 43.05(a-3), C.C.P., as a result of the hearing.

The court shall recall a capias pro fine if, before the capias pro fine is executed, the defendant: (1) provides notice to the court under Article 43.035 and a hearing is set under that article; or (2) voluntarily appears and makes a good faith effort to resolve the capias pro fine.