

Search & Seizure Research Guide

Overview

This research guide includes information and resources on search and seizure. The Fourth Amendment of the United States Constitution prohibits unreasonable search and seizures by the government. In criminal law, “search and seizure” refers to law enforcement’s examination of a person or property to find evidence when he/she believes a crime has been committed. (Cornell Law School) The resources listed below are not exhaustive and may not include the most up-to-date information. It is for information purposes only and should not be construed as legal advice or act as the substitute for counsel.

Statutes and Codes

Texas Statutes Online www.statutes.capitol.texas.gov

U.S. Constitution

- 4th Amendment
https://www.senate.gov/civics/constitution_item/constitution.htm#amdt_4_1791

Texas Constitution

- Art. 1, Sec. 9 Search & Seizure
<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.1/CN.1.9.htm>

Code of Criminal Procedure

- §1.06 Searches & Seizures
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.1.htm#1.06>
- Ch. 18 Search Warrants
<https://statutes.capitol.texas.gov/Docs/CR/htm/CR.18.htm>

Texas Rules of Evidence

<https://www.txcourts.gov/rules-forms/rules-standards/>

Secondary Resources in Print

Arrest and Search Without a Warrant Manual KFT 1776.5 .Z9M44

Texas Criminal Practice Guide Ref KFT 1775 .T49

- Vol. 1, Ch. 30 Basis of Search and Seizure Law
 - Form 30.100 Motion for Return of Seized Property
- Vol. 1, Ch. 31 Search Pursuant to Warrant
- Vol. 1, Ch. 32 Warrantless Search

Texas Criminal Lawyer’s Handbook REF KFT 1775 .D36

- Ch. 2 Search and Seizure: Property
- Ch. 3 Search and Seizure: Persons

Texas Criminal Forms REF KFT 1775 .A6G5

- Vol. 1, Ch. 2 Motions Related to Searches of Places
 - Form 2-18 Motion for Return of Seized Weapon
- Vol. 1, Ch. 3 Motions Related to Searches of Persons

Texas Criminal Procedure – Codes and Rules KFT 1775 .A33A2

- Ch. 18 Search Warrants

O’Connor’s Texas Crimes & Consequences REF KFT 1761 .Z9D87

- Chart 7-C Justifications excluding criminal responsibility
- Chart 15-A-151 Penal Code § 38.03 – Resisting Arrest, Search, or Transportation
- Chart 18-I Exceptions to Fourth Amendment warrant requirement

Texas Practice Series REF KFT 1280 .T4

- Vol. 7, Criminal Forms & Trial Manual
 - Ch. 50 Forfeiture of Contraband

Traffic Stops KFT 1776.5 B43

Warrantless Search and Seizure KFT 1776.5 .Z95 B43

CLE Materials

Advanced Criminal Law KFT 1761 .S7

- 2021 Chapters 18-23
- 2019 Ch. 20 Search & Seizure: Warrants
- 2018 Ch. 37 Search and Seizure: Warrants
- 2017 Ch. 10 Search and Seizure – So, What’s Going On?
- 2017 Ch. 37 Search and Seizure: Warrants
- 2016 Ch. 16 Search and Seizure: Warrants
- 2012 Ch. 12 Juvenile Search and Seizure and Confessions

Online Resources

Warrantless Search and Seizure (TDCAA)

<https://www.tdcaa.com/journal/warrantless-search-and-seizure/>

Unreasonable Search and Seizure (Cornell Law)

https://www.law.cornell.edu/wex/unreasonable_search_and_seizure

Fourth Amendment (Cornell Law)

https://www.law.cornell.edu/wex/fourth_amendment

Article: Criminal Procedure: Confession, Search and Seizure (SMU)

<https://scholar.smu.edu/cgi/viewcontent.cgi?article=2296&context=smulr>

Article: Search and Seizure Laws in Texas

<https://www.shouselaw.com/tx/defense/laws/search-and-seizure/>

Article: Rules Governing Motor Vehicle Search and Seizure in Texas

<https://www.dwiman.com/vehicle-search-and-seizure>

Legal Assistance

Legal Lines – Ask Attorneys simple legal questions (free service)

- Tarrant County LegalLine Sign-up
<https://www.tarrantbar.org/>
- Dallas County LegalLine Sign-up
<https://www.dallasbar.org/index.cfm?pg=legalline>

Tarrant County Bar Association Lawyer Referral Service: 817-336-4101 (\$20 for the first 30 minutes)