

AN ACT

relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.

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

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.067 to read as follows:

Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN INTOXICATION OFFENSE. Notwithstanding any other law, a warrant issued under Article 18.02(a)(10) to collect a blood specimen from a person suspected of committing an intoxication offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, may be executed:

(1) in any county adjacent to the county in which the warrant was issued; and

(2) by any law enforcement officer authorized to make an arrest in the county of execution.

SECTION 2. Article 18.10, Code of Criminal Procedure, is amended to read as follows:

Art. 18.10. HOW RETURN MADE. (a) Not later than three whole days after executing a search warrant, the officer shall return the search warrant. Upon returning the search warrant, the officer shall state on the back of the same, or on some paper attached to it, the manner in which the warrant has been executed. The officer shall also deliver to the magistrate a copy of the

1 inventory of the property taken into his possession under the
2 warrant. The failure of an officer to make a timely return of an
3 executed search warrant or to submit an inventory of the property
4 taken into the officer's possession under the warrant does not bar
5 the admission of evidence under Article 38.23. The officer who
6 seized the property shall retain custody of it until the magistrate
7 issues an order directing the manner of safekeeping the property.
8 Except as otherwise provided by Subsection (b), the [The] property
9 may not be removed from the county in which it was seized without an
10 order approving the removal, issued by a magistrate in the county in
11 which the warrant was issued; provided, however, nothing herein
12 shall prevent the officer, or his department, from forwarding any
13 item or items seized to a laboratory for scientific analysis.

14 (b) For the purposes of complying with this article,
15 property seized pursuant to a warrant executed under Article 18.067
16 may be removed from the county in which it was seized and returned
17 to the county in which the warrant was issued without a court order.

18 SECTION 3. The change in law made by this Act applies only
19 to a search warrant issued on or after the effective date of this
20 Act. A search warrant issued before the effective date of this Act
21 is governed by the law in effect on the date the warrant was issued,
22 and the former law is continued in effect for that purpose.

23 SECTION 4. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1047 passed the Senate on April 19, 2021, by the following vote: Yeas 30, Nays 1; and that the Senate concurred in House amendment on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 1047 passed the House, with amendment, on May 25, 2021, by the following vote: Yeas 144, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor