

By: Wentworth

S.B. No. 240

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the time allowed for execution of a search warrant
3 issued to obtain a specimen for DNA analysis.

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

5 SECTION 1. Article 18.07, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 18.07. DAYS ALLOWED FOR WARRANT TO RUN. (a) The time
8 allowed for the execution of a search warrant [~~shall be three whole~~
9 ~~days~~], exclusive of the day of its issuance and of the day of its
10 execution, is:

11 (1) 20 whole days if the warrant is issued solely to
12 search for and seize evidentiary items or specimens for DNA
13 analysis and comparison, including blood and saliva samples; or

14 (2) three whole days if the warrant is issued for a
15 purpose other than that described by Subdivision (1).

16 (b) The magistrate issuing a search warrant under [~~the~~
17 ~~provisions of~~] this chapter shall endorse on the [~~such~~] search
18 warrant the date and hour of its [~~the~~] issuance [~~of the same~~].

19 SECTION 2. The change in law made by this Act applies only
20 to a search warrant that is issued on or after September 1, 2005. A
21 search warrant that is issued before September 1, 2005, is covered
22 by the law in effect when the warrant was issued, and the former law
23 is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2005.