

Amend CSSB 261 (Senate committee printing) as follows:

(1) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION ____ . Article 18.01, Code of Criminal Procedure, is amended by amending Subsection (c) and adding Subsection (j) to read as follows:

(c) A search warrant may not be issued under Article 18.02(10) [~~pursuant to Subdivision (10) of Article 18.02 of this code~~] unless the sworn affidavit required by Subsection (b) [~~of this article~~] sets forth sufficient facts to establish probable cause: (1) that a specific offense has been committed, (2) that the specifically described property or items that are to be searched for or seized constitute evidence of that offense or evidence that a particular person committed that offense, and (3) that the property or items constituting evidence to be searched for or seized are located at or on the particular person, place, or thing to be searched. Except as provided by Subsections (d), [~~and~~] (i), and (j) [~~of this article~~], only a judge of a municipal court of record or a county court who is an attorney licensed by the State of Texas, a statutory county court judge, a district court judge, a judge of the Court of Criminal Appeals, including the presiding judge, or a justice of the Supreme Court of Texas, including the chief justice, may issue warrants under Article 18.02(10) [~~pursuant to Subdivision (10), Article 18.02 of this code~~].

(j) Any magistrate who is an attorney licensed by this state may issue a search warrant under Article 18.02(10) to collect a blood specimen from a person who:

(1) is arrested for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and

(2) refuses to submit to a breath or blood alcohol test.

(2) In SECTION 2 of the bill (page 1, line 53), strike "The change in law made by this Act" and substitute "(a) Section 724.012, Transportation Code, as amended by this Act,".

(3) Between SECTIONS 2 and 3 of the bill (page 1, between lines 60 and 61), insert the following:

(b) Article 18.01, Code of Criminal Procedure, as amended by

this Act, applies only to a search warrant issued on or after the effective date of this Act. A search warrant issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.