

BILL ANALYSIS

H.B. 2133
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a warrant for evidence expires three days after the date of its issuance, forcing law enforcement authorities to seek a new warrant to continue to collect evidence. While certain evidentiary items are subject to change with the passage of time, evidence in the form of a person's DNA is not.

H.B. 2133 authorizes the issuance of a 10-day warrant solely for the purpose of seizing a DNA specimen from a person. The long-standing rule of three days for the execution of all other warrants remains.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2133 amends the Code of Criminal Procedure to extend the time allowed for the execution of a search warrant, exclusive of the day of its issuance and of the day of its execution, from three whole days to 10 whole days if the warrant is issued solely to search for and seize specimens from a specific person for DNA analysis and comparison, including blood and saliva samples.

EFFECTIVE DATE

September 1, 2009.