

By: Wentworth

S.B. No. 743

A BILL TO BE ENTITLED

AN ACT

relating to the time allowed for execution of a search warrant issued to obtain an item or specimen for DNA analysis.

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

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

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

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

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

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

SECTION 2. The change in law made by this Act applies only to a search warrant that is issued on or after the effective date of this Act. A search warrant that was issued before the effective date of this Act is covered by the law in effect when the warrant was issued, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2009.