

BILL ANALYSIS

H.B. 1507
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Criminal Jurisprudence
Committee Report (Amended)

BACKGROUND AND PURPOSE

Rural counties often lack the resources that larger counties have which are necessary to process search warrants. Because of this limitation, a law enforcement officer in certain counties is sometimes unable to obtain a search warrant to test a suspect's blood for alcohol content in a driving while intoxicated (DWI) case if a suspect refuses to take a breathalyzer test. If a law enforcement officer is unable to obtain a warrant for a blood test in that situation, a driver suspected of DWI is sometimes able to have charges dismissed. H.B. 1507 seeks to address this problem by providing for the issuance of certain search warrants in certain counties.

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. 1507 amends the Code of Criminal Procedure to authorize a magistrate in a county with a population of less than 100,000, rather than a county that does not have a judge of a municipal court of record or county court who is an attorney licensed by the state or a statutory county court judge, to issue a search warrant for the search and seizure of property or items, except the personal writings of the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense or for the search and seizure of contraband subject to forfeiture.

EFFECTIVE DATE

September 1, 2011.

EXPLANATION OF AMENDMENTS

Committee Amendment No. 1

Committee Amendment No. 1 requires a magistrate who is not an attorney, prior to issuing a search warrant, to annually complete a course of training of not less than eight hours regarding the application for and issuance of search warrants.