

BILL ANALYSIS

H.B. 516
By: Pitts
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

There is some concern that a search warrant issued by a magistrate to determine the blood alcohol content level of a person suspected of driving while intoxicated cannot be executed in a county that is contiguous to the county in which the warrant was issued, even though such a warrant issued by certain judges may be executed in a contiguous county. Interested parties note that law enforcement officers often seek warrants from a magistrate, rather than a judge, when in pursuit of a person suspected of driving while intoxicated because time is critical in determining the most accurate blood alcohol content level and magistrates are more readily available to the officers for search warrant purposes in evenings and on weekends. These parties contend that time may be wasted in transporting a suspect to a hospital located in the county in which the warrant was issued for administration of the blood draw instead of the closest hospital, which may be located across a county line. H.B. 516 seeks to address these concerns by authorizing the execution of a warrant issued to collect a blood specimen in a county that is contiguous to the county in which the warrant is issued.

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. 516 amends the Code of Criminal Procedure to authorize the execution of a search warrant, issued to collect a blood specimen from a person suspected of committing certain intoxication offenses, in a county that is contiguous to the county in which the warrant is issued, regardless of whether the issuing court's jurisdiction extends outside the county in which that court is located.

EFFECTIVE DATE

September 1, 2013.