

By: Bell, Wray, Moody, Price

H.B. No. 460

A BILL TO BE ENTITLED

AN ACT

relating to the issuance of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses.

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

SECTION 1. Article 18.01, Code of Criminal Procedure, is amended by adding Subsection (k) to read as follows:

(k)(1) An officer seeking a warrant under Article 18.02(a)(10) to collect a blood specimen from a person suspected of committing an intoxication offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, may obtain the warrant:

(A) from a magistrate with jurisdiction in the county in which the suspect was stopped; or

(B) from a magistrate with jurisdiction in a county contiguous to the county in which the suspect was stopped, provided that the officer attempted and was unable to obtain a warrant from a magistrate serving a criminal court in the county in which the suspect was stopped.

(2) A warrant issued under Subdivision (1)(B) may be executed only in the county from which the warrant was obtained.

(3) The requirement under Subdivision (1)(B) that an officer attempt to obtain a warrant from a magistrate serving a criminal court in the county in which the suspect was stopped does

1 not apply if:

2 (A) in the county in which the stop occurred:

3 (i) there is not a person described by
4 Section 724.017(a), Transportation Code, available to take the
5 specimen; or

6 (ii) a person described by Section
7 724.017(a) is available, but no place described by Section
8 724.017(a-1) is available; and

9 (B) in the contiguous county from which the
10 warrant is sought, a person described by Section 724.017(a) and a
11 place described by Section 724.017(a-1) are available.

12 (4) An officer may not obtain a warrant under
13 Subdivision (1)(B) if the officer previously applied for and was
14 denied a warrant under Subdivision (1)(A) or (1)(B) relating to the
15 same stop of the suspect.

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

21 SECTION 3. This Act takes effect September 1, 2015.