

By: Bell, Wray, Moody

H.B. No. 460

Substitute the following for H.B. No. 460:

By: Herrero

C.S.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) Notwithstanding any other law, a warrant issued under Subdivision (1)(B) may be executed in the contiguous county in which the suspect was stopped, regardless of whether the issuing court's jurisdiction extends outside the county in which the suspect was stopped.

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

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