

By: Davis of Harris

H.B. No. 1496

A BILL TO BE ENTITLED

1 AN ACT

2 relating to search warrants issued to obtain a DNA specimen through  
3 a buccal swab or another method.

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

5 SECTION 1. Article 18.02(a), Code of Criminal Procedure, is  
6 amended to read as follows:

7 (a) A search warrant may be issued to search for and seize:

8 (1) property acquired by theft or in any other manner  
9 which makes its acquisition a penal offense;

10 (2) property specially designed, made, or adapted for  
11 or commonly used in the commission of an offense;

12 (3) arms and munitions kept or prepared for the  
13 purposes of insurrection or riot;

14 (4) weapons prohibited by the Penal Code;

15 (5) gambling devices or equipment, altered gambling  
16 equipment, or gambling paraphernalia;

17 (6) obscene materials kept or prepared for commercial  
18 distribution or exhibition, subject to the additional rules set  
19 forth by law;

20 (7) a drug, controlled substance, immediate  
21 precursor, chemical precursor, or other controlled substance  
22 property, including an apparatus or paraphernalia kept, prepared,  
23 or manufactured in violation of the laws of this state;

24 (8) any property the possession of which is prohibited

1 by law;

2 (9) implements or instruments used in the commission  
3 of a crime;

4 (10) property or items, including a DNA specimen  
5 obtained through a buccal swab or otherwise, except the personal  
6 writings by the accused, constituting evidence of an offense or  
7 constituting evidence tending to show that a particular person  
8 committed an offense;

9 (11) persons;

10 (12) contraband subject to forfeiture under Chapter 59  
11 of this code; or

12 (13) electronic customer data held in electronic  
13 storage, including the contents of and records and other  
14 information related to a wire communication or electronic  
15 communication held in electronic storage.

16 SECTION 2. The change in law made by this Act applies to a  
17 search warrant issued before, on, or after the effective date of  
18 this Act.

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