

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Clardy, et al.

H.B. No. 2185

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the execution of a search warrant for taking a DNA  
3 specimen.

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

5 SECTION 1. Chapter 18, Code of Criminal Procedure, is  
6 amended by adding Article 18.065 to read as follows:

7 Art. 18.065. WARRANT FOR DNA SPECIMEN MAY BE EXECUTED IN ANY  
8 COUNTY. A warrant issued under Article 18.02(10) to collect a DNA  
9 specimen from a person for the purpose of connecting that person to  
10 an offense may be executed in any county in this state. A warrant  
11 executed outside of the county in which the warrant was issued must  
12 be signed by a judge of a district court with jurisdiction over the  
13 original offense.

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

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

# ADOPTED

MAY 25 2015

FLOOR AMENDMENT NO. 1

*Lataj Spaw*  
Secretary of the Senate

BY:

*Joan Huffman*

1 Amend H.B. No. 2185 (senate committee printing) by striking  
2 added Article 18.065, Code of Criminal Procedure (page 1, lines  
3 22-28), and substituting the following:

4 Art. 18.065. EXECUTION OF WARRANT ISSUED BY DISTRICT JUDGE  
5 FOR DNA SPECIMEN. (a) A warrant issued by the judge of a district  
6 court under Article 18.02(10) to collect a DNA specimen from a  
7 person for the purpose of connecting that person to an offense may  
8 be executed in any county in this state.

9 (b) This article does not apply to a warrant issued by a  
10 justice of the peace, judge, or other magistrate other than a judge  
11 of a district court.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 26, 2015**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2185** by Clardy (Relating to the execution of a search warrant for taking a DNA specimen.), **As Passed 2nd House**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Code of Criminal Procedure to permit that a search warrant issued by a district court judge to collect a DNA specimen from a person for purposes of connecting that person to an offense may be executed in any county, regardless of the issuing court's jurisdiction. The bill specifies that this does not apply to a warrant issued by a justice of the peace, judge, or other magistrate other than a district court judge.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, MW, GDz, KVe

**LEGISLATIVE BUDGET BOARD  
Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**May 20, 2015**

**TO:** Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2185** by Clardy (Relating to the execution of a search warrant for taking a DNA specimen.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Code of Criminal Procedure to permit that a search warrant issued to collect a DNA specimen from a person for purposes of connecting that person to an offense may be executed in any county, regardless of the issuing court's jurisdiction. The bill also provides that a warrant executed outside of the county in which it was issued must be signed by a district court judge with jurisdiction over the original offense.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, MW, GDz, KVe

**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 24, 2015**

**TO:** Honorable Abel Herrero, Chair, House Committee on Criminal Jurisprudence

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2185** by Clardy (Relating to the execution of a search warrant for taking a DNA specimen.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Code of Criminal Procedure to permit that a search warrant issued to collect a DNA specimen from a person for purposes of connecting that person to an offense may be executed in any county, regardless of the issuing court's jurisdiction.

Based on the analysis of the Office of Court Administration, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Administration, Texas Judicial Council

**LBB Staff:** UP, KJo, MW, GDz, KVe