

By: Burns

H.B. No. 386

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a justice of the peace to issue a
3 search warrant to collect a blood specimen from a person arrested
4 for certain intoxication criminal offenses.

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

6 SECTION 1. Article 18.01(j), Code of Criminal Procedure, is
7 amended to read as follows:

8 (j) A [~~Any~~] magistrate who is an attorney licensed by this
9 state or a justice of the peace may issue a search warrant under
10 Article 18.02(a)(10) [~~18.02(10)~~] to collect a blood specimen from a
11 person who:

12 (1) is arrested for an offense under Section 49.04,
13 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and

14 (2) refuses to submit to a breath or blood alcohol
15 test.

16 SECTION 2. To the extent of any conflict, this Act prevails
17 over another Act of the 86th Legislature, Regular Session, 2019,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

20 SECTION 3. This Act takes effect September 1, 2019.