

By: King of Uvalde, Burns

H.B. No. 2260

Substitute the following for H.B. No. 2260:

By: Murr

C.S.H.B. No. 2260

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a magistrate or justice of the peace to issue a search warrant to collect a blood specimen from a person arrested for 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 amending Subsection (j) and adding Subsection (k) to read as follows:

(j) Any magistrate who is an attorney licensed by this state may issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~] to collect a blood specimen from a person who:

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

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

(k) Notwithstanding Subsections (i) and (j), a justice of the peace may issue a search warrant under Article 18.02(a)(10) to collect a blood specimen from a person who is arrested for an offense listed in Subsection (j)(1) if:

(1) another magistrate described by Subsection (i) or (j) is unavailable and unreachable; or

(2) exigent circumstances exist.

SECTION 2. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019,

C.S.H.B. No. 2260

1 relating to nonsubstantive additions to and corrections in enacted
2 codes.

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