

SENATE AMENDMENTS

2nd Printing

By: Button, Paul, Holland, Bowers, Lang,
et al.

H.B. No. 1355

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the execution of a search warrant for taking a blood
3 specimen from certain persons in certain intoxication offenses.

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 18.067 to read as follows:

7 Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN
8 INTOXICATION OFFENSE. Notwithstanding any other law, a warrant
9 issued under Article 18.02(a)(10) to collect a blood specimen from
10 a person suspected of committing an intoxication offense under
11 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal
12 Code, may be executed:

13 (1) in any county adjacent to the county in which the
14 warrant was issued; and

15 (2) by any law enforcement officer authorized to make
16 an arrest in the county of execution.

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

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

ADOPTED

MAY 22 2019

Leta Staud
Secretary of the Senate

By: *Nathan D. ...*

H.B. No. 1355

Substitute the following for H.B. No. 1355:

By: Senator Whitmire

C.S.H.B. No. 1355

John Whitmire

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance and execution of a search warrant to
3 collect a blood specimen from a person arrested for certain
4 intoxication offenses.

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

6 SECTION 1. Article 18.01, Code of Criminal Procedure, is
7 amended by amending Subsection (j) and adding Subsection (k) to
8 read as follows:

9 (j) Any magistrate who is an attorney licensed by this state
10 may issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~]
11 to collect a blood specimen from a 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 (k) Notwithstanding Subsections (i) and (j), a justice of
17 the peace may issue a search warrant under Article 18.02(a)(10) to
18 collect a blood specimen from a person who is arrested for an
19 offense listed in Subsection (j)(1) if:

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

22 (2) exigent circumstances exist.

23 SECTION 2. Chapter 18, Code of Criminal Procedure, is
24 amended by adding Article 18.067 to read as follows:

1 Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN
2 INTOXICATION OFFENSE. Notwithstanding any other law, a warrant
3 issued under Article 18.02(a)(10) to collect a blood specimen from
4 a person suspected of committing an intoxication offense under
5 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal
6 Code, may be executed:

7 (1) in any county adjacent to the county in which the
8 warrant was issued; and

9 (2) by any law enforcement officer authorized to make
10 an arrest in the county of execution.

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

16 SECTION 4. 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 5. This Act takes effect September 1, 2019.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1355 by Button (Relating to the issuance and execution of a search warrant to collect a blood specimen from a person arrested for certain intoxication offenses.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the execution of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses. Under the provisions of the bill, a warrant to collect a blood specimen from those suspected of certain intoxication offenses may be executed by any law enforcement officer authorized to make an arrest in the county of execution and in any county adjacent to the county in which the warrant was issued.

The bill would allow a justice of the peace to issue a search warrant for the collection of a blood sample from a person arrested for certain intoxication offenses if a magistrate is unavailable or exigent circumstances exist.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2019.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, SD, LBO, DA, LM, SPa, AF, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 15, 2019

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

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1355 by Button (relating to the issuance and execution of a search warrant to collect a blood specimen from a person arrested for certain intoxication offenses.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the execution of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses. Under the provisions of the bill, a warrant to collect a blood specimen from those suspected of certain intoxication offenses may be executed by any law enforcement officer authorized to make an arrest in the county of execution and in any county adjacent to the county in which the warrant was issued.

The bill would allow a justice of the peace to issue a search warrant for the collection of a blood sample from a person arrested for certain intoxication offenses if a magistrate is unavailable or exigent circumstances exist.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2019.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, LBO, DA, LM, SPa, AF, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 14, 2019

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

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB1355** by Button (Relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the execution of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses. Under the provisions of the bill, a warrant to collect a blood specimen from those suspected of certain intoxication offenses may be executed by any law enforcement officer authorized to make an arrest in the county of execution and in any county adjacent to the county in which the warrant was issued.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, LBO, LM, SPa, AF, SMi

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 24, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB1355** by Button (relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.), **Committee Report 1st House, Substituted**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would amend the Code of Criminal Procedure as it relates to the execution of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses. Under the provisions of the bill, a warrant to collect a blood specimen from those suspected of certain intoxication offenses may be executed by any law enforcement officer authorized to make an arrest in the county of execution and in any county adjacent to the county in which the warrant was issued.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
 Department of Public Safety

LBB Staff: WP, LBO, LM, SPa, AF, SMi

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

March 12, 2019

TO: Honorable Poncho Nevárez, Chair, House Committee on Homeland Security & Public Safety

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1355 by Button (Relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure as it relates to the execution of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses. Under the provisions of the bill, a warrant to collect a blood specimen from those suspected of certain intoxication offenses may be executed in any county in which the law enforcement officer executing a warrant is authorized to make an arrest.

Both the Office of Court Administration and the Texas Department of Public Safety indicate the provisions of the bill can be implemented within existing resources. This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

Local Government Impact

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 405
Department of Public Safety

LBB Staff: WP, LBO, LM, SPa, AF, SMi