

House Bill 1355
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

No equivalent provision.

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 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.067 to read as follows:

Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN INTOXICATION OFFENSE.

Notwithstanding any other law, a warrant issued under Article 18.02(a)(10) to collect a blood specimen from a person suspected of committing an intoxication offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code, may be executed:

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

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

SECTION 2. Same as House version.

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<p>SECTION 2. The change in law made by this Act applies only to a search warrant issued on or after the effective date of this Act. A search warrant issued before the effective date of this Act is governed by the law in effect on the date the warrant was issued, and the former law is continued in effect for that purpose.</p>	<p>SECTION 3. Same as House version.</p>	
<p>No equivalent provision.</p>	<p>SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.</p>	
<p>SECTION 3. This Act takes effect September 1, 2019.</p>	<p>SECTION 5. Same as House version.</p>	