

BILL ANALYSIS

H.B. 1131
By: Spiller
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a non-attorney justice of the peace within a county court at law does not have the authority to issue a warrant for a blood specimen in a driving while intoxicated (DWI) case. H.B. 1131 seeks to allow any justice of the peace to issue blood warrants in DWI cases and for other intoxication-related offenses. By extending the ability to issue these warrants, certain justices of the peace will not have the burden of issuing all warrants in DWI cases, regardless of if they are on call.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1131 amends the Code of Criminal Procedure to extend to a justice of the peace the authority currently granted to a magistrate who is a licensed attorney to issue a search warrant to collect a blood specimen from a person who is arrested for one of the following intoxication-related offenses and refuses to submit to a breath or blood alcohol test:

- driving while intoxicated;
- driving while intoxicated with a child passenger;
- flying while intoxicated;
- boating while intoxicated;
- assembling or operating an amusement ride while intoxicated;
- intoxication assault; or
- intoxication manslaughter.

EFFECTIVE DATE

September 1, 2023.