88R3758 CJD-D

By:  Spiller H.B. No. 1131

A BILL TO BE ENTITLED

AN ACT

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

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

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

(j)  A [~~Any~~] magistrate who is an attorney licensed by this state or 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:

(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.

SECTION 2.  This Act takes effect September 1, 2023.