

BILL ANALYSIS

H.B. 3602
By: Louderback
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, a search warrant for a blood specimen may be executed in any county adjacent to the county in which the warrant was issued by a law enforcement officer who is authorized to make an arrest in the county of execution. The bill author has informed the committee that this system creates logistical issues and takes officers off the streets for extended periods of time in cities such as Addison, which contracts for jail services in adjacent counties. For example, in these cities, the arresting officer must transport a suspect to the jail in the adjacent county, but if the suspect refuses to provide a blood specimen, the arresting officer must travel back to their home county to draft the arrest warrant and then to the magistrate to obtain the warrant. The officer must then retrieve the suspect from the jail and bring them to the officer's home county to execute the warrant for the blood specimen, after which the officer must return the suspect to the jail in the adjacent county. H.B. 3602 seeks to remedy this issue by authorizing a search warrant for purposes of collecting a blood specimen to be executed by any peace officer in any county adjacent to the county in which the warrant was issued.

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. 3602 amends the Code of Criminal Procedure to replace the authorization for a search warrant for property or items constituting evidence of an offense or tending to show that a particular person committed an offense, for purposes of collecting a blood specimen from a person suspected of committing an intoxication offense, to be executed in any county adjacent to the county in which the warrant was issued and by any law enforcement officer authorized to make an arrest in the county of execution with an authorization for such a search warrant to be executed by any peace officer in any such adjacent county. The bill applies with respect to the following intoxication offenses:

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

H.B. 3602 applies only to a search warrant issued on or after the bill's effective date. A search warrant issued before that date 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.

EFFECTIVE DATE

September 1, 2025.