

BILL ANALYSIS

Senate Research Center
89R14394 RDR-D

S.B. 1886
By: Sparks
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Article 18.067 of the Code of Criminal Procedure extended the execution of blood search warrants (on those arrested for certain intoxication offenses) in any county adjacent to the county where the warrant was issued.

The issue some Texas law enforcement face is found in Subsection (2) of the language, which states "by any law enforcement officer authorized to make an arrest in the county of execution." Some agencies contract with other municipalities for jail services, which may or may not be in the same county as the arrest.

For example, the City of Addison contracts with a neighboring municipality. Addison is contained within Dallas County, and the neighboring agency they contract with is in Tarrant County. If an Addison police officer arrests an individual for DWI, they will transport that person to the neighboring agency. If the person refuses to provide a sample, and the officer writes a blood search warrant, the officer must take the following steps:

Drive back to the Addison Police Department and draft the blood warrant;

Drive to a location of a magistrate in Dallas County to obtain the warrant;

Drive to the neighboring municipality to pick up the arrested person and drive them back to Dallas county to obtain the blood; and

Drive back to the neighboring municipality and return the person to the jail facility.

This takes the officer off the streets for an extended period of time, and can be resolved by striking "authorized to make an arrest in the county of execution."

The bill applies to search warrants issued for intoxication-related offenses under the Texas Penal Code, including:

DWI (Driving While Intoxicated) – 49.04;

DWI With a Child Passenger – 49.045;

Boating While Intoxicated – 49.05;

Flying While Intoxicated – 49.06;

Operating an Amusement Ride While Intoxicated – 49.061;

Assembling an Amusement Ride While Intoxicated – 49.065;

Intoxication Assault – 49.07; and

Intoxication Manslaughter – 49.08.

As proposed, S.B. 1886 amends current law relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 18.067, Code of Criminal Procedure, as follows:

Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN INTOXICATION OFFENSE. Authorizes a warrant issued under Article 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize property or items constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense) to collect a blood specimen from a person suspected of committing an intoxication offense under certain provisions of the Penal Code, notwithstanding any other law, to be executed by any peace officer in any county adjacent to the county in which the warrant was issued, rather than 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. Makes nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.