

1-1 By: Button, et al. H.B. No. 1355  
 1-2 (Senate Sponsor - Johnson, Flores)  
 1-3 (In the Senate - Received from the House April 16, 2019;  
 1-4 April 17, 2019, read first time and referred to Committee on  
 1-5 Criminal Justice; May 17, 2019, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-7 May 17, 2019, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			

1-17 COMMITTEE SUBSTITUTE FOR H.B. No. 1355 By: Whitmire

1-18 A BILL TO BE ENTITLED  
 1-19 AN ACT

1-20 relating to the issuance and execution of a search warrant to  
 1-21 collect a blood specimen from a person arrested for certain  
 1-22 intoxication offenses.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Article 18.01, Code of Criminal Procedure, is  
 1-25 amended by amending Subsection (j) and adding Subsection (k) to  
 1-26 read as follows:

1-27 (j) Any magistrate who is an attorney licensed by this state  
 1-28 may issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~]  
 1-29 to collect a blood specimen from a person who:

1-30 (1) is arrested for an offense under Section 49.04,  
 1-31 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and

1-32 (2) refuses to submit to a breath or blood alcohol  
 1-33 test.

1-34 (k) Notwithstanding Subsections (i) and (j), a justice of  
 1-35 the peace may issue a search warrant under Article 18.02(a)(10) to  
 1-36 collect a blood specimen from a person who is arrested for an  
 1-37 offense listed in Subsection (j)(1) if:

1-38 (1) another magistrate described by Subsection (i) or  
 1-39 (j) is unavailable and unreachable; or

1-40 (2) exigent circumstances exist.

1-41 SECTION 2. Chapter 18, Code of Criminal Procedure, is  
 1-42 amended by adding Article 18.067 to read as follows:

1-43 Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN  
 1-44 INTOXICATION OFFENSE. Notwithstanding any other law, a warrant  
 1-45 issued under Article 18.02(a)(10) to collect a blood specimen from  
 1-46 a person suspected of committing an intoxication offense under  
 1-47 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal  
 1-48 Code, may be executed:

1-49 (1) in any county adjacent to the county in which the  
 1-50 warrant was issued; and

1-51 (2) by any law enforcement officer authorized to make  
 1-52 an arrest in the county of execution.

1-53 SECTION 3. The change in law made by this Act applies only  
 1-54 to a search warrant issued on or after the effective date of this  
 1-55 Act. A search warrant issued before the effective date of this Act  
 1-56 is governed by the law in effect on the date the warrant was issued,  
 1-57 and the former law is continued in effect for that purpose.

1-58 SECTION 4. To the extent of any conflict, this Act prevails  
 1-59 over another Act of the 86th Legislature, Regular Session, 2019,  
 1-60 relating to nonsubstantive additions to and corrections in enacted

2-1 codes.

2-2 SECTION 5. This Act takes effect September 1, 2019.

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