

BILL ANALYSIS

H.B. 1322
By: Burns
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that the current process through which a blood search warrant is issued could be more efficient if justices of the peace were authorized to issue these warrants. H.B. 1322 seeks to remedy this situation by extending to a justice of the peace the authorization to issue a search warrant to collect a blood specimen from a person who is arrested for certain intoxication offenses and refuses to submit to a breath or blood alcohol test.

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. 1322 amends the Code of Criminal Procedure to extend to a justice of the peace the authorization to issue a search warrant to collect a blood specimen from a person who is arrested for one of the following 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, 2017.