

BILL ANALYSIS

C.S.H.B. 1355
By: Button
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised about the process through which certain peace officers may obtain a blood draw for certain intoxication offenses outside their territorial jurisdiction for executing a warrant. In some cases, the nearest available hospital for the blood draw is outside that officer's applicable jurisdiction, which leaves the officer reliant on the help and availability of law enforcement within the jurisdiction. C.S.H.B. 1355 seeks to address this issue by providing for the execution of an evidentiary search warrant for a blood draw for certain intoxication offenses 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

C.S.H.B. 1355 amends the Code of Criminal Procedure to authorize a search warrant issued for collecting a blood specimen from a person suspected of committing the following intoxication offenses 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: 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, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1355 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the counties in which an applicable search warrant may be executed from any county in Texas in which the law enforcement officer executing the warrant is authorized to make an arrest to any county adjacent to the county in which the warrant was issued, and the substitute includes an authorization for the warrant to be executed by any law enforcement officer authorized to make an arrest in the county of execution.