

## **BILL ANALYSIS**

C.S.H.B. 2260  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been reported that some areas of Texas are underequipped to handle the number of search warrant requests received from state and local law enforcement for certain intoxication offenses, given that only a magistrate who is a licensed attorney may issue a search warrant for a blood specimen. C.S.H.B. 2260 seeks to address this issue by providing for the issuance of such a search warrant by a justice of the peace under certain circumstances.

### **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. 2260 amends the Code of Criminal Procedure to authorize a justice of the peace to issue a search warrant to collect a blood specimen from a person who is arrested for one of certain intoxication offenses if a magistrate is unavailable or unreachable or if exigent circumstances exist.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2260 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 retains the statutory requirement that a magistrate be an attorney licensed in Texas for purposes of a magistrate's authority to issue of a search warrant to collect a blood specimen from a person who refuses to submit to a breath or blood alcohol test after being arrested for one of certain intoxication offenses. The substitute includes a provision authorizing the issuance of such a warrant by a justice of the peace under certain conditions.