

## **BILL ANALYSIS**

S.B. 1047  
By: Seliger  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In some instances, a municipality may be located in more than one county. This can create unique challenges for law enforcement with regard to search warrants issued to collect a blood specimen. Concerns have arisen about the validity of collecting a blood specimen in alcohol-related driving offenses in which a warrant is issued in one county, while the blood draw is taken in a separate, neighboring county. S.B. 1047 seeks to address this issue by authorizing a blood draw for certain intoxication offenses to be executed in an adjacent county and by a law enforcement officer authorized to make an arrest in the county of execution.

### **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**

S.B. 1047 amends the Code of Criminal Procedure to authorize a search warrant issued to collect 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, 2021.