

- SUBJECT:** Extended time for execution of a search warrant for DNA specimen
- COMMITTEE:** Criminal Jurisprudence — favorable, with amendment
- VOTE:** 11 ayes — Gallego, Christian, Fletcher, Hodge, Kent, Miklos, Moody, Pierson, Riddle, Vaught, Vo
0 nays
- SENATE VOTE:** On final passage, April 23 — 30-0, on Local and Uncontested Calendar
- WITNESSES:** For — (*Registered, but did not testify:* Katrina Daniels, Bexar County District Attorney’s Office; James Jones, Texas Police Chiefs Association; Feliciano Rendon, San Antonio Police Officers Association; Ballard C. Shapleigh, 34th Judicial District Attorney Jaime Esparza)

Against — (*Registered, but did not testify:* Brent Brewer; Colin Dunigan; Diane Dunigan; John Goin; Jared Holland; Craig Hunt; Andrew Jordan; Daryl Joyce; Heather King-Fazio; Randall Peterson; Scott Prevratil; Jose Quintero; Michael Siekkinen; Jim Stutsman; Robert Thomas; Jonathan Weaver; Marvin Williams, 5-11 Campaign; James Willson)
- BACKGROUND:** Under Code of Criminal Procedure, art. 18.07, the time allowed for the execution of a search warrant is three days, excluding the day it was issued and the day of its execution.
- DIGEST:** SB 743, as amended, would amend art. 18.07 to provide that the time allowed for the execution of a search warrant would be 15 days, if the warrant was issued solely to search for and seize DNA specimens from a specific person, or three days, if the warrant was issued for any other purpose.

The bill would take effect September 1, 2009, and would apply only to search warrants issued on or after this date.
- SUPPORTERS SAY:** By extending the time before a search warrant for DNA specimens expired, SB 743 would save law enforcement time and money. Currently, when a warrant is issued for a DNA sample, a suspect can evade law

enforcement until the warrant expires, forcing law enforcement to obtain a new warrant every three days. The state bears the expense of obtaining and executing new warrants.

SB 743 would be limited to warrants for DNA specimens. Probable cause would have been established upon the warrant's issuance. The additional time could not be used to stall the warrant's execution until probable cause was found.

**OPPONENTS
SAY:**

Considering the resources at the disposal of law enforcement, the time currently allowed for the execution of a warrant for DNA is adequate. Law enforcement's search and seizure capabilities are limited for a reason, and should not be expanded, given that a citizen's constitutional rights are at stake.

NOTES:

The committee amendment would make the execution time of a warrant for DNA 15 days rather than the 20 days in the Senate-passed version of the bill.