

SUBJECT: Allowing execution of certain blood sample warrant in adjacent county

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Collier, K. Bell, Cook, Crockett, Hinojosa, Vasut

1 nay — Cason

2 absent — A. Johnson, Murr

SENATE VOTE: On final passage, April 19 — 30-1 (Hughes), on Local and Uncontested Calendar

WITNESSES: For — (*Registered, but did not testify:* Eric Carcerano, Chambers County District Attorney's Office; TJ Patterson, City of Fort Worth; Jennifer Tharp, Comal County Criminal District Attorney; Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; Erleigh Wiley, Kaufman County Criminal District Attorney; Lindy Borchardt, for Sharen Wilson, Tarrant County Criminal District Attorney; Mitch Landry, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association)

Against — None

BACKGROUND: Code of Criminal Procedure art. 18.02(a)(10) authorizes search warrants to be issued for property or items constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense.

Concerns have been raised that there can be confusion over the issuing and execution of search warrants in DWI cases when a city is located in more than one county and a judge in one county issues a warrant for a blood draw in the adjacent county.

DIGEST: SB 1047 would allow a warrant issued to collect a blood specimen from a

person suspected of committing certain 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. This authority would apply to the offenses of 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, intoxication manslaughter.

The bill would take effect September 1, 2021, and would apply to search warrants issued on or after that date.