

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-25-2019

Date

Honorable Dan Patrick  
President of the Senate

Honorable Dennis Bonnen  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HR 1355 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Nathan Johnson  
Senator Johnson

Pete Flores  
Senator Flores

Senator Huffman

Senator Perry

Royce West  
On the part of the Senate Senator West

Angie San Batta  
Representative Batta

Don Paul  
Representative ~~Bowers~~ Paul

Stette Andrews Bowers  
Representative ~~Paul~~ Bowers

Justin Holland  
Representative Holland

On the part of the House

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.



# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 1355

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the issuance and execution of a search warrant to  
3 collect a blood specimen from a person arrested for certain  
4 intoxication offenses.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article 18.01, Code of Criminal Procedure, is  
7 amended by amending Subsection (j) and adding Subsection (k) to  
8 read as follows:

9 (j) Any magistrate who is an attorney licensed by this state  
10 may issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~]  
11 to collect a blood specimen from a person who:

12 (1) is arrested for an offense under Section 49.04,  
13 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and

14 (2) refuses to submit to a breath or blood alcohol  
15 test.

16 (k) Notwithstanding Subsections (i) and (j), a justice of  
17 the peace may issue a search warrant under Article 18.02(a)(10) to  
18 collect a blood specimen from a person who is arrested for an  
19 offense listed in Subsection (j)(1) if:

20 (1) another magistrate described by Subsection (i) or  
21 (j) is unavailable and unreachable; or

22 (2) exigent circumstances exist.

23 SECTION 2. Chapter 18, Code of Criminal Procedure, is  
24 amended by adding Article 18.067 to read as follows:

1        Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN  
2 INTOXICATION OFFENSE. Notwithstanding any other law, a warrant  
3 issued under Article 18.02(a)(10) to collect a blood specimen from  
4 a person suspected of committing an intoxication offense under  
5 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal  
6 Code, may be executed:

7                (1) in any county adjacent to the county in which the  
8 warrant was issued; and

9                (2) by any law enforcement officer authorized to make  
10 an arrest in the county of execution.

11        SECTION 3. The change in law made by this Act applies only  
12 to a search warrant issued on or after the effective date of this  
13 Act. A search warrant issued before the effective date of this Act  
14 is governed by the law in effect on the date the warrant was issued,  
15 and the former law is continued in effect for that purpose.

16        SECTION 4. To the extent of any conflict, this Act prevails  
17 over another Act of the 86th Legislature, Regular Session, 2019,  
18 relating to nonsubstantive additions to and corrections in enacted  
19 codes.

20        SECTION 5. This Act takes effect September 1, 2019.

**House Bill 1355**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

*No equivalent provision.*

SECTION 1. Article 18.01, Code of Criminal Procedure, is amended by amending Subsection (j) and adding Subsection (k) to read as follows:

(j) Any magistrate who is an attorney licensed by this state may issue a search warrant under Article 18.02(a)(10) [~~18.02(10)~~] to collect a blood specimen from a person who:  
(1) is arrested for an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code; and  
(2) refuses to submit to a breath or blood alcohol test.

(k) Notwithstanding Subsections (i) and (j), a justice of the peace may issue a search warrant under Article 18.02(a)(10) to collect a blood specimen from a person who is arrested for an offense listed in Subsection (j)(1) if:

(1) another magistrate described by Subsection (i) or (j) is unavailable and unreachable; or  
(2) exigent circumstances exist.

SECTION 1. Same as Senate version.

SECTION 1. Chapter 18, Code of Criminal Procedure, is amended by adding Article 18.067.

SECTION 2. Same as House version.

SECTION 2. Same as House version.

SECTION 2. Saving provision.

SECTION 3. Same as House version.

SECTION 3. Same as House version.

*No equivalent provision.*

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 4. Same as Senate version.

SECTION 3. This Act takes effect September 1, 2019.

SECTION 5. Same as House version.

SECTION 5. Same as House version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**May 25, 2019**

**TO:** Honorable Dan Patrick, Lieutenant Governor, Senate  
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE: HB1355** by Button (Relating to the issuance and execution of a search warrant to collect a blood specimen from a person arrested for certain intoxication offenses.), **Conference Committee Report**

|   |
|---|
| <b>No significant fiscal implication to the State is anticipated.</b> |
|---|

The bill would amend the Code of Criminal Procedure as it relates to the execution of a search warrant for taking a blood specimen from certain persons suspected of committing certain intoxication offenses. Under the provisions of the bill, a warrant to collect a blood specimen from those suspected of certain intoxication offenses may be executed by any law enforcement officer authorized to make an arrest in the county of execution and in any county adjacent to the county in which the warrant was issued.

The bill would allow a justice of the peace to issue a search warrant for the collection of a blood sample from a person arrested for certain intoxication offenses if a magistrate is unavailable or exigent circumstances exist.

This analysis assumes the provisions of the bill would not result in a significant impact on the demand for state correctional resources.

The bill would take effect September 1, 2019.

**Local Government Impact**

According to the Texas Association of Counties, no significant fiscal implication to counties is anticipated.

**Source Agencies:**        212 Office of Court Administration, Texas Judicial Council, 405  
Department of Public Safety

**LBB Staff:** WP, SD, LBO, DA, LM, SPa, AF, SMi

**Certification of Compliance with  
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on HB 1355 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.

Ariz Glen Butta  
(name)

5-25-2019  
(date)