

- SUBJECT:** Allowing warrants for blood specimens for contiguous counties
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 6 ayes — Herrero, Moody, Canales, Hunter, Leach, Shaheen  
1 nay — Simpson
- WITNESSES:** For — Warren Diepraam, Waller County District Attorney’s Office;  
(*Registered, but did not testify:* Robert Foster, Austin pd; Richard Mabe, Austin police department; Steve Dye, Grand Prairie Police Department; Bill Elkin, Houston Police Retired Officers Association; Tiana Sanford, Montgomery County District Attorney’s Office; Bill Lewis, Mothers Against Drunk Driving; Deanna L. Kuykendall (pronounce: kirk-in-doll), Texas Municipal Courts Association; Lon Craft and Heath Wester, Texas Municipal Police Association)  
  
Against — Chris Howe; (*Registered, but did not testify:* Joe Palmer; Kelley Shannon, Freedom of Information Foundation of Texas)
- BACKGROUND:** Code of Criminal Procedure, art. 1.23 establishes that warrants for blood issued by judges of the Court of Criminal Appeals, justices of the Texas Supreme Court, justices of the courts of appeals, and judges of the district courts have statewide authority. However, other magistrates lack jurisdiction to issue a search warrant to be executed outside of their own county. This disparity can be problematic because magistrates are often more accessible to sign warrants and each moment that passes allows time for a suspect’s body to metabolize any alcohol consumed by the suspect.
- DIGEST:** CSHB 460 would allow an officer seeking a warrant to collect a blood specimen from a person suspected of committing an intoxication offense, such as driving while intoxicated or intoxication assault, to obtain the warrant from certain additional magistrates. Under the bill, the officer could obtain a warrant from a magistrate with jurisdiction in the county where the suspect was stopped, or from a magistrate judge in a county contiguous to the county where the suspect was stopped, if the officer first

attempted to obtain a warrant from the magistrate serving the criminal court in the county where the suspect was stopped.

A warrant issued by a magistrate in a county contiguous to the one where the suspect was stopped could be executed in county where the suspect was stopped regardless of the issuing court's jurisdiction.

This bill would take effect September 1, 2015 and would apply only to search warrants issued on or after that date.