

## **BILL ANALYSIS**

Senate Research Center  
78R1634 PEP-F

S.B. 628  
By: Wentworth  
Criminal Justice  
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### **DIGEST AND PURPOSE**

Currently, a law enforcement officer has three days to execute a search warrant, including taking DNA samples, excluding the day of issuance and execution. This time limit is set to ensure that a law enforcement officer does not hold the warrant until there is probable cause; but, when a law enforcement officer is issued a warrant for a biological sample, probable cause is already established. However, in numerous cases the suspect is able to evade the officer until the warrant runs out. Consequently, the officer must go back to the court to obtain another warrant. As proposed, S.B. 628 extends the period of time allowed to execute a warrant from three to twenty days, if the warrant is issued solely to seek DNA evidence.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article 18.07, Code of Criminal Procedure, as follows:

Art. 18.07. DAYS ALLOWED FOR WARRANT TO RUN. (a) Provides that the time allowed for the execution of a search warrant, exclusive of the day of its issuance and of the day of its execution, is 20 whole days if the warrant is issued solely to search for and seize evidentiary items or specimens for DNA analysis and comparison, including blood and saliva samples; or three whole days if the warrant is issued for purpose other than that described by Subdivision (1). Deletes text stating that the time allowed for the execution of a search warrant is three whole days.

(b) Requires the magistrate issuing a search warrant under this chapter to endorse on the search warrant the date and hour of its issuance.

SECTION 2. Effective date: September 1, 2003.

Makes application of this Act prospective.