

BILL ANALYSIS

Senate Research Center
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H.B. 1355
By: Button et al. (Johnson)
Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, Baylor Hospital of Garland closed its doors leaving Garland as the largest City in Texas without a hospital. Garland police officers no longer have immediate access to an emergency room within the City to execute DWI blood warrants. The closest hospital to Garland is Lakepointe Hospital (Baylor, Scott & White of Rowlett), which lies a few hundred feet within the County of Rockwall.

Currently, the Code of Criminal Procedure authorizes peace officers to obtain DWI blood draw warrants within the county in which their territorial jurisdiction is located, but it does not authorize peace officers to execute the warrant outside of that county. Lake Pointe Hospital lies just outside of Garland, so Garland officers must rely on the availability of the City of Rowlett Police Officers to meet Garland officers at the hospital so a Rowlett officer can hand the warrant obtained by Garland to medical personnel at Lake Pointe for execution. This is difficult and time consuming for the Garland PD and an extra job for the Rowlett PD.

To alleviate this problem, CSHB 1355 will authorize police officers to execute a warrant for a DWI blood draw in counties adjacent to the county in which their territorial jurisdictional is located.

H.B. 1355 amends current law relating to the execution of a search warrant for taking a blood specimen from certain persons in certain intoxication offenses.

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 Chapter 18, Code of Criminal Procedure, by adding Article 18.067, as follows:

Art. 18.067. EXECUTION OF WARRANT FOR BLOOD SPECIMEN IN INTOXICATION OFFENSE. Authorizes a warrant issued under Article 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize certain property or items constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense) to collect a blood specimen from a person suspected of committing an intoxication offense under Section 49.04 (Driving While Intoxicated), 49.045 (Driving While Intoxicated With Child Passenger), 49.05 (Flying While Intoxicated), 49.06 (Boating While Intoxicated), 49.065 (Assembling or Operating an Amusement Ride While Intoxicated), 49.07 (Intoxication Assault), or 49.08 (Intoxication Manslaughter), Penal Code, notwithstanding any other law, to be executed:

- (1) in any county adjacent to the county in which the warrant was issued; and
- (2) by any law enforcement officer authorized to make an arrest in the county of execution.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.