

## **BILL ANALYSIS**

Senate Research Center  
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C.S.H.B. 1355  
By: Button et al. (Johnson)  
Criminal Justice  
5/16/2019  
Committee Report (Substituted)

### **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 Lake Pointe 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 Police Department and an extra job for the Rowlett Police Department.

To alleviate this problem, H.B.1355 will authorize police officers to execute a warrant for a DWI blood draw in counties adjacent to the county in which their territorial jurisdiction is located. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1355 amends current law relating to the issuance and execution of a search warrant to collect a blood specimen from a person arrested for 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 Article 18.01, Code of Criminal Procedure, by amending Subsection (j) and adding Subsection (k), as follows:

(j) Authorizes any magistrate who is an attorney licensed by this state to issue a search warrant under Article 18.02(a)(10) (relating to authorizing a search warrant to be issued to search for and seize property or items, except personal writings by the accused, constituting evidence of an offense or constituting evidence tending to show that a particular person committed an offense), rather than Article 18.02(10), to collect a blood specimen from a person who is arrested for certain offenses or refuses to submit to certain tests.

(k) Provides that, 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 2. 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) 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 3. Makes application of this Act prospective.

SECTION 4. Provides that, 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 5. Effective date: September 1, 2019.