

Chapter 761

AN ACT

1
2 relating to the time allowed for execution of a search warrant
3 issued to obtain a specimen for DNA analysis.

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

5 SECTION 1. Article 18.07, Code of Criminal Procedure, is
6 amended to read as follows:

7 Art. 18.07. DAYS ALLOWED FOR WARRANT TO RUN. (a) The time
8 allowed for the execution of a search warrant [~~shall be three whole~~
9 ~~days~~], exclusive of the day of its issuance and of the day of its
10 execution, is:

11 (1) 15 whole days if the warrant is issued solely to
12 search for and seize specimens from a specific person for DNA
13 analysis and comparison, including blood and saliva samples; or

14 (2) three whole days if the warrant is issued for a
15 purpose other than that described by Subdivision (1).

16 (b) The magistrate issuing a search warrant under [~~the~~
17 ~~provisions of~~] this chapter shall endorse on the [~~such~~] search
18 warrant the date and hour of its [~~the~~] issuance [~~of the same~~].

19 SECTION 2. The change in law made by this Act applies only
20 to a search warrant that is issued on or after the effective date of
21 this Act. A search warrant that was issued before the effective
22 date of this Act is covered by the law in effect when the warrant was
23 issued, and the former law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2009.

S.B. No. 743

David Dewhurst
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 743 passed the Senate on April 23, 2009, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Atsuy Saw
Secretary of the Senate

I hereby certify that S.B. No. 743 passed the House, with amendment, on May 20, 2009, by the following vote: Yeas 140, Nays 0, one present not voting.

Robert Haney
Chief Clerk of the House

Approved:

19 JUN '09

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2pm O'CLOCK

JUN 19 2009

Colby Hunter III