

Magistrate Duties and Domestic Violence

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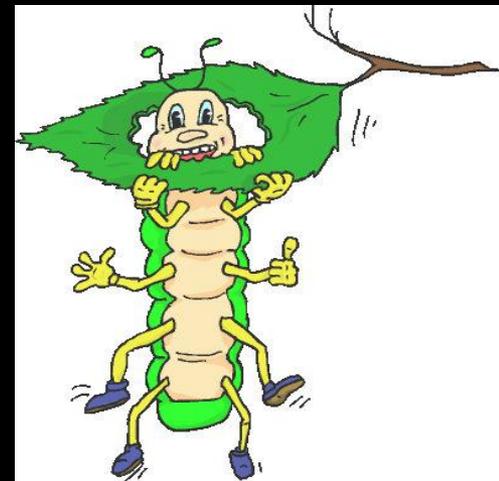
SB 328 Blood Warrants

- Any magistrate who is an attorney
- Chapter 49 offenses where breath or blood test refused
- Mandatory blood or breath test in certain Chapter 49 offenses



HB 1949 Agricultural Warrants

- Department may seek for plant pest or plant disease
- Issued by magistrate only after reasonable efforts to obtain consent search
- Single application sufficient for multiple warrants
- Interference with execution Class B misdemeanor
- Good until 61st day after issue



SB 743 Extension of Time for Execution of Search Warrant for DNA Analysis

- 15 whole days exclusive of day of issuance and day of execution
- Is this a “Mere Evidence” Warrant?
- How is this different from a Blood Warrant?



HB 358 Seizure of Circuit Boards of Gambling Device

- Officer may seize only programmable main circuit board
- Optional seizure of main circuit board reduces costly transportation & storage



HB 2240 Creating the Offense of Continuing Violence Against the Family

- Two or more incidents in 12 months or less in violation of 22.01 (a) (1) P.C. against persons described in Chapter 71 Family Code becomes 3rd degree felony
- Jury does not have to agree unanimously on the specific conduct or exact date



HB 2066 Enhanced Penalty for Assaulting Family Member by Strangulation or Suffocation

- Amends 22.01 P.C. to create a 3rd degree felony
- Family Code Chapter 71 Victim
- Intentionally, Knowingly, Recklessly impedes breathing or circulation by pressure to throat or blocking nose or mouth
- Second offense can be enhanced to 2nd degree felony



HB 1506 - Conditions for Bonds on Certain Defendants Charged with Family Violence

- Order defendant's participation in GPS; allow participation by victim
- GPS defined
- Magistrate can order costs of GPS for a victim paid by defendant
- Victim to provide magistrate with list of "Off Limits" locations
- Provision made for indigent defendants
- Magistrate shall provide victim with police contact in case of violation



SB 1506 Payment of Costs Associated with Certain Bonds

- Magistrate may revoke bond and order arrest if defendant fails to pay cost of monitoring or testing for controlled substances
- Magistrate to determine defendant not indigent
- Cost of monitoring or testing may be assessed as court cost or ordered paid directly.



HB 3751 Denial of Bail for Violation of Bond Where Child is Alleged Victim

- Related to certain sex offenses against child younger than 14 years of age
- Magistrate shall require defendant as a condition of bond not communicate with nor go near specified locations
- Magistrate may revoke bond, order defendant confined. Confinement and revocation discharge sureties from future liability



HB 72 Relating to Waiting Period In Certain Divorces



- Amends 6.702 Family Code
- Sixty-day waiting period not required if Respondent has been finally convicted or received deferred adjudication for family violence offense against petitioner or member of petitioner's household
or
Petitioner has active protective order or active magistrate's order of emergency protection against Respondents from family violence committed during the marriage

HB 2730 Handgun Changes

- DPS now required to suspend concealed handgun license if person arrested for family violence and is subject to magistrates order of emergency protection
- Article 17.292 (1) CCP also amended to require suspension when issuing a magistrates order of emergency protection.
- Failure to display license is no longer an offense
- Judges need to demonstrate handgun proficiency



HB 796 Disposition of Stolen Property and Use of Photographic Evidence

- Art 38.34 C.C.P. definition of property is expanded to “Any Tangible Property”
- Photos of stolen property as admissible as property itself
- With consent of State’s Attorney any magistrate may hold 47.02 hearing to determine possession of property

