
Public Safety Committee

HB 1417

Brief Description: Concerning search warrants for toxicological analysis of blood samples.

Sponsors: Representatives Klippert and Irwin.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Prohibits a court from limiting the scope of toxicological analysis on a search warrant for a blood sample if there is probable cause to indicate impairment arising from alcohol or any drug.
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Hearing Date: 2/4/19

Staff: Kelly Leonard (786-7147).

Background:

Search Warrants. The Fourth Amendment of the United States Constitution and Article I, section 7 of the state Constitution require searches and seizures to be "reasonable." A search is considered reasonable if it is based upon probable cause and there is either a valid search warrant or a recognized exception to the warrant requirement.

A search warrant is an order issued by a magistrate directing law enforcement to conduct a search of a premises, object, or person. A valid search warrant requires: 1) an affidavit submitted by a law enforcement officer or prosecuting attorney demonstrating probable cause to believe that a crime has been committed and that evidence of that crime is likely to be obtained with the search; 2) a particular description of the areas to be searched and the items to be seized; and 3) review and issuance by a neutral and detached magistrate.

If a law enforcement officer conducts a search without a valid search warrant or recognized exception to the warrant requirement, or if he or she conducts a search beyond the scope of the warrant, then any evidence he or she collects may be inadmissible against a defendant in a criminal prosecution.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Toxicological Analysis. Toxicological analysis is a type of forensic analysis where bodily fluids are examined for the presence of compounds that are not normally present. Law enforcement officers and prosecutors use toxicological analysis results for investigating and prosecuting criminal cases where persons are suspected to have been impaired by alcohol or a controlled substance.

Summary of Bill:

When issuing a search warrant to draw a sample of a person's blood and conduct toxicological analysis, a magistrate may not limit the scope of the toxicological analysis or otherwise prohibit general toxicological screening if probable cause exists to indicate impairment arising from alcohol or any drug.

Appropriation: None.

Fiscal Note: Requested on February 1, 2019.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.