

When a JP Can Issue a Search Warrant (Including a Blood Search Warrant)

Is the search warrant for an item listed in CCP Art. 18.02(a)(10) or (12)?

Yes

No

If the search warrant is for an item listed in CCP Art. 18.02(a), *other than Sec. (10) or (12)*, the search warrant may be issued by a JP. See Ch. 3 of the Magistration Deskbook for full details.

CCP Art. 18.02(a)(10) = Evidentiary Search Warrant – Applies to evidence not listed in Art. 18.02 that makes it more likely that a person did or did not commit a crime (such as blood of someone accused of DWI).

CCP Art. 18.02(a)(12) = Contraband Search Warrant – See CCP Art. 59.01.

Is the county judge in the county an attorney?

Yes

No

The JP MAY NOT issue the warrant.

No

Does the county have a county court-at-law?

No

Is the JP an attorney and the warrant is for blood of a person suspected of an intoxication offense who refuses to submit to a breath or blood test?

Yes

The JP may issue the warrant.

Yes

Yes

Does the county have a municipal court of record with a courtroom located in the county and an attorney judge?

No

Has the person, place, or thing been previously searched under an evidentiary search warrant for the same event/offense?

Yes

The JP MAY NOT issue the warrant.

No