

By: Gattis

H.B. No. 1810

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the circumstances under which consent to the taking of a
3 specimen of the breath or blood of a person arrested for certain
4 intoxication offenses is implied.

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

6 SECTION 1. Section 724.012(b), Transportation Code, is
7 amended to read as follows:

8 (b) A peace officer shall require the taking of a specimen
9 of the person's breath or blood if:

10 (1) the officer arrests the person for an offense
11 under Chapter 49, Penal Code, involving the operation of a motor
12 vehicle or a watercraft; and

13 (2) either:

14 (A) the person was the operator of a motor
15 vehicle or a watercraft involved in an accident that the officer
16 reasonably believes occurred as a result of the offense and, [+

17 [~~3~~] at the time of the arrest, the officer
18 reasonably believes that as a direct result of the accident:

19 (i) [~~A~~] any individual has died or will
20 die; or

21 (ii) [~~B~~] an individual other than the
22 person has suffered serious bodily injury; or

23 (B) at the time of the arrest, the officer
24 possesses or receives reliable information from a credible source

1 that the person has been previously arrested on two or more
2 occasions for an offense under Chapter 49, Penal Code, involving
3 the operation of a motor vehicle or a watercraft [and

4 ~~(4) the person refuses the officer's request to~~
5 ~~submit to the taking of a specimen voluntarily].~~

6 SECTION 2. The change in law made by this Act applies only
7 to an offense committed on or after the effective date of this Act.
8 An offense committed before the effective date of this Act is
9 governed by the law in effect when the offense was committed, and
10 the former law is continued in effect for that purpose. For
11 purposes of this section, an offense was committed before the
12 effective date of this Act if any element of the offense was
13 committed before that date.

14 SECTION 3. This Act takes effect September 1, 2007.