

1-1 By: Murr, Thompson of Brazoria H.B. No. 1595
 1-2 (Senate Sponsor - Whitmire)
 1-3 (In the Senate - Received from the House April 27, 2015;
 1-4 May 4, 2015, read first time and referred to Committee on Criminal
 1-5 Justice; May 21, 2015, reported favorably by the following vote:
 1-6 Yeas 7, Nays 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to testing certain defendants or confined persons for
 1-19 communicable diseases.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. The heading to Article 18.22, Code of Criminal
 1-22 Procedure, is amended to read as follows:

1-23 Art. 18.22. TESTING CERTAIN DEFENDANTS OR CONFINED PERSONS
 1-24 FOR COMMUNICABLE DISEASES [~~FOLLOWING CERTAIN ARRESTS~~].

1-25 SECTION 2. Article 18.22, Code of Criminal Procedure, is
 1-26 amended by amending Subsections (a) and (b) and adding Subsection
 1-27 (d) to read as follows:

1-28 (a) A person who is arrested for a misdemeanor or felony and
 1-29 who during the commission of that offense or ~~the~~ ~~[an]~~ arrest, during
 1-30 a judicial proceeding or initial period of confinement following
 1-31 the arrest, or during the person's confinement after a conviction
 1-32 or adjudication resulting from the arrest [~~commission of that~~
 1-33 ~~offense~~] causes the person's bodily fluids to come into contact
 1-34 with a peace officer, a magistrate, or an employee of a correctional
 1-35 facility where the person is confined [~~to come into contact with the~~
 1-36 ~~person's bodily fluids~~] shall, at the direction of the court having
 1-37 jurisdiction over the arrested person, undergo a medical procedure
 1-38 or test designed to show or help show whether the person has a
 1-39 communicable disease. The court may direct the person to undergo
 1-40 the procedure or test on its own motion or on the request of the
 1-41 peace officer, magistrate, or correctional facility employee. If
 1-42 the person refuses to submit voluntarily to the procedure or test,
 1-43 the court shall require the person to submit to the procedure or
 1-44 test. Notwithstanding any other law, the person performing the
 1-45 procedure or test shall make the test results available to the local
 1-46 health authority, and the local health authority shall notify the
 1-47 peace officer, magistrate, or correctional facility employee, as
 1-48 appropriate, of the test result. The state may not use the fact
 1-49 that a medical procedure or test was performed on a person under
 1-50 this article, or use the results of the procedure or test, in any
 1-51 criminal proceeding arising out of the alleged offense.

1-52 (b) Testing under this article shall be conducted in
 1-53 accordance with written infectious disease control protocols
 1-54 adopted by the Department [~~Texas Board~~] of State Health Services
 1-55 that clearly establish procedural guidelines that provide criteria
 1-56 for testing and that respect the rights of the arrested person and
 1-57 the peace officer, magistrate, or correctional facility employee.

1-58 (d) In this article, "correctional facility" means:

- 1-59 (1) any place described by Section 1.07(a)(14), Penal
 1-60 Code; or
 1-61 (2) a "secure correctional facility" or "secure

2-1 detention facility" as those terms are defined by Section 51.02,
2-2 Family Code.

2-3 SECTION 3. The change in law made by this Act applies to a
2-4 motion by the court or request of a magistrate or correctional
2-5 facility employee made on or after the effective date of this Act,
2-6 regardless of whether the offense for which the person was arrested
2-7 or the applicable contact with bodily fluids occurred before, on,
2-8 or after that date.

2-9 SECTION 4. This Act takes effect immediately if it receives
2-10 a vote of two-thirds of all the members elected to each house, as
2-11 provided by Section 39, Article III, Texas Constitution. If this
2-12 Act does not receive the vote necessary for immediate effect, this
2-13 Act takes effect September 1, 2015.

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