

1-1 By: White, et al. (Senate Sponsor - Hall, Springer) H.B. No. 558
1-2 (In the Senate - Received from the House May 17, 2021;
1-3 May 17, 2021, read first time and referred to Committee on Criminal
1-4 Justice; May 22, 2021, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	X		
1-9	<u>Huffman</u>	X		
1-10	<u>Bettencourt</u>	X		
1-11	<u>Birdwell</u>	X		
1-12	<u>Hinojosa</u>	X		
1-13	<u>Miles</u>	X		
1-14	<u>Nichols</u>	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the taking of a blood specimen on arrest for certain
1-18 intoxication offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section [724.012](#), Transportation Code, is amended
1-21 by adding Subsections (a-1) and (e) and amending Subsections (b)
1-22 and (c) to read as follows:

1-23 (a-1) A peace officer shall require the taking of a specimen
1-24 of the person's blood if:

1-25 (1) the officer arrests the person for an offense
1-26 under Chapter [49](#), Penal Code, involving the operation of a motor
1-27 vehicle or a watercraft;

1-28 (2) the person refuses the officer's request to submit
1-29 to the taking of a specimen voluntarily;

1-30 (3) the person was the operator of a motor vehicle or a
1-31 watercraft involved in an accident that the officer reasonably
1-32 believes occurred as a result of the offense; and

1-33 (4) at the time of the arrest, the officer reasonably
1-34 believes that as a direct result of the accident any individual has
1-35 died, will die, or has suffered serious bodily injury.

1-36 (b) Subject to Subsection (a-1), a [A] peace officer shall
1-37 require the taking of a specimen of the person's breath or blood
1-38 under any of the following circumstances if the officer arrests the
1-39 person for an offense under Chapter [49](#), Penal Code, involving the
1-40 operation of a motor vehicle or a watercraft and the person refuses
1-41 the officer's request to submit to the taking of a specimen
1-42 voluntarily:

1-43 (1) the person was the operator of a motor vehicle or a
1-44 watercraft involved in an accident that the officer reasonably
1-45 believes occurred as a result of the offense and, at the time of the
1-46 arrest, the officer reasonably believes that as a direct result of
1-47 the accident[+]

1-48 [~~(A) any individual has died or will die,~~

1-49 [~~(B) an individual other than the person has~~
1-50 ~~suffered serious bodily injury, or~~

1-51 [~~(C)~~] an individual other than the person has
1-52 suffered bodily injury and been transported to a hospital or other
1-53 medical facility for medical treatment;

1-54 (2) the offense for which the officer arrests the
1-55 person is an offense under Section [49.045](#), Penal Code; or

1-56 (3) at the time of the arrest, the officer possesses or
1-57 receives reliable information from a credible source that the
1-58 person:

1-59 (A) has been previously convicted of or placed on
1-60 community supervision for an offense under Section [49.045](#), [49.07](#),
1-61 or [49.08](#), Penal Code, or an offense under the laws of another state

2-1 containing elements substantially similar to the elements of an
2-2 offense under those sections; or

2-3 (B) on two or more occasions, has been previously
2-4 convicted of or placed on community supervision for an offense
2-5 under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an
2-6 offense under the laws of another state containing elements
2-7 substantially similar to the elements of an offense under those
2-8 sections.

2-9 (c) Except as provided by Subsection (a-1), the [The] peace
2-10 officer shall designate the type of specimen to be taken.

2-11 (e) A peace officer may not require the taking of a specimen
2-12 under this section unless the officer:

2-13 (1) obtains a warrant directing that the specimen be
2-14 taken; or

2-15 (2) has probable cause to believe that exigent
2-16 circumstances exist.

2-17 SECTION 2. Section 724.013, Transportation Code, is amended
2-18 to read as follows:

2-19 Sec. 724.013. PROHIBITION ON TAKING SPECIMEN IF PERSON
2-20 REFUSES; EXCEPTION. Except as provided by Section 724.012(a-1) or
2-21 (b) [~~Section 724.012(b)~~], a specimen may not be taken if a person
2-22 refuses to submit to the taking of a specimen designated by a peace
2-23 officer.

2-24 SECTION 3. The change in law made by this Act applies only
2-25 to an arrest that occurs on or after the effective date of this Act.
2-26 An arrest that occurs before the effective date of this Act is
2-27 governed by the law in effect on the date the arrest occurred, and
2-28 the former law is continued in effect for that purpose.

2-29 SECTION 4. This Act takes effect September 1, 2021.

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