

By: Deuell

S.B. No. 261

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the taking of a specimen of the breath or blood of a
3 person arrested for an intoxication offense under certain
4 circumstances.

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

6 SECTION 1. Sections 724.012(b) and (d), Transportation
7 Code, are 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 under any of the following
10 circumstances if ~~+~~

11 [~~(1)~~] the officer arrests the person for an offense
12 under Chapter 49, Penal Code, involving the operation of a motor
13 vehicle or a watercraft:

14 (1) ~~+~~

15 [~~(2)~~] the person was the operator of a motor vehicle or
16 a watercraft involved in an accident that the officer reasonably
17 believes occurred as a result of the offense and

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

20 (A) any individual has died or will die; ~~or~~

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

23 (C) an individual other than the person has
24 suffered bodily injury and been transported to a hospital or other

1 medical facility for medical treatment;

2 (2) the offense for which the officer arrests the
3 person is an offense under Section 49.045, Penal Code; or

4 (3) at the time of the arrest, the officer possesses or
5 receives reliable information from a credible source that the
6 person:

7 (A) has been previously arrested for an offense
8 under Section 49.045, 49.07, or 49.08, Penal Code, or an offense
9 under the laws of another state containing elements substantially
10 similar to the elements of an offense under those sections; or

11 (B) has been previously arrested on two or more
12 occasions for an offense under Section 49.04, 49.05, 49.06, or
13 49.065, Penal Code, or an offense under the laws of another state
14 containing elements substantially similar to the elements of an
15 offense under those sections [~~and~~

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

18 (d) In this section, "bodily injury" and "serious bodily
19 injury" have [~~has~~] the meanings [~~meaning~~] assigned by Section 1.07,
20 Penal Code.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect when the offense was committed, and
25 the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense was

1 committed before that date.

2 SECTION 3. This Act takes effect September 1, 2009.