

By: White, Meza, et al.

H.B. No. 558

A BILL TO BE ENTITLED

AN ACT

relating to the taking of a blood specimen on arrest for certain intoxication offenses.

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

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

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

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

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

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

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

(b) Subject to Subsection (a-1), a [A] peace officer shall require the taking of a specimen of the person's breath or blood under any of the following circumstances if the officer arrests the person for an offense under Chapter 49, Penal Code, involving the

1 operation of a motor vehicle or a watercraft and the person refuses
2 the officer's request to submit to the taking of a specimen
3 voluntarily:

4 (1) the person was the operator of a motor vehicle or a
5 watercraft involved in an accident that the officer reasonably
6 believes occurred as a result of the offense and, at the time of the
7 arrest, the officer reasonably believes that as a direct result of
8 the accident[+:

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

10 ~~[(B) an individual other than the person has~~
11 ~~suffered serious bodily injury; or~~

12 ~~[(C)]~~ an individual other than the person has
13 suffered bodily injury and been transported to a hospital or other
14 medical facility for medical treatment;

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

17 (3) at the time of the arrest, the officer possesses or
18 receives reliable information from a credible source that the
19 person:

20 (A) has been previously convicted of or placed on
21 community supervision for an offense under Section 49.045, 49.07,
22 or 49.08, Penal Code, or an offense under the laws of another state
23 containing elements substantially similar to the elements of an
24 offense under those sections; or

25 (B) on two or more occasions, has been previously
26 convicted of or placed on community supervision for an offense
27 under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an

1 offense under the laws of another state containing elements
2 substantially similar to the elements of an offense under those
3 sections.

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

6 (e) A peace officer may not require the taking of a specimen
7 under this section unless the officer:

8 (1) obtains a warrant directing that the specimen be
9 taken; or

10 (2) has probable cause to believe that exigent
11 circumstances exist.

12 SECTION 2. Section 724.013, Transportation Code, is amended
13 to read as follows:

14 Sec. 724.013. PROHIBITION ON TAKING SPECIMEN IF PERSON
15 REFUSES; EXCEPTION. Except as provided by Section 724.012(a-1) or
16 (b) [Section 724.012(b)], a specimen may not be taken if a person
17 refuses to submit to the taking of a specimen designated by a peace
18 officer.

19 SECTION 3. The change in law made by this Act applies only
20 to an arrest that occurs on or after the effective date of this Act.
21 An arrest that occurs before the effective date of this Act is
22 governed by the law in effect on the date the arrest occurred, and
23 the former law is continued in effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2021.