

## **BILL ANALYSIS**

H.B. 292  
By: Reyna  
Law Enforcement  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

More Texans are killed in alcohol-related crashes than in any other state. Texas has the nation's worst problem with drunk driving in terms of total deaths and injuries, with 50% of traffic fatalities involving alcohol. With respect to fatal traffic accidents, Department of Public Safety officers are required under current law to take blood and breath specimens to determine if alcohol contributed to the accident. However, officers do not take blood and breath specimens when someone is seriously injured in a traffic accident. House Bill 292 requires officers to take blood and breath specimens at the scene of a traffic accident where someone has been seriously injured. This requirement will raise the average of blood alcohol content (BAC) testing so that Texas can draw down federal funds.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, institution, or agency.

### **ANALYSIS**

House Bill 292 amends Section 724.012 of the Transportation Code by expanding the instances where a blood alcohol content analysis is required. In addition to fatal traffic accidents, House Bill 292 requires a blood alcohol specimen be taken if an individual other than the person who caused the accident has suffered serious bodily injury. The bill defines "serious bodily injury" as the meaning that has been assigned by Section 1.07 of the Penal Code, which means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.