

BILL ANALYSIS

Senate Research Center
78R1002 PEP-D

S.B. 47
By: Zaffirini
Criminal Justice
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As Filed

DIGEST AND PURPOSE

Current Texas law does not provide a presumption regarding a person's alcohol concentration level for the purposes of the administrative suspension of the driver's license of a person arrested for drunk driving. As proposed, S.B. 47 creates the presumption that, if a test of a person's blood or breath is conducted three hours after an arrest is made, then it can be assumed the person's blood alcohol level at the time of arrest was equal to or greater than that indicated by such a test.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 524D, Transportation Code, by adding Section 524.0375, as follows:

Sec. 524.0375. PRESUMPTION REGARDING ANALYSIS. Provides that for the purposes of this chapter, it is presumed that at the time of operating a motor vehicle in a public place, the person operating the vehicle had an alcohol concentration level equal to or higher than the level shown by an analysis of breath or blood taken from the person at or not later than three hours after the time of the person's arrest.

SECTION 2. (a) Effective date: upon passage or September 1, 2003.

(b) Makes application of this Act prospective to Chapter 524 (Administrative Suspension of Driver's License For Failure To Pass Test For Intoxication) Transportation Code.