

By: Ritter

H.B. No. 914

A BILL TO BE ENTITLED

AN ACT

relating to the taking of a specimen of a person's breath or blood in connection with certain alcohol-related offenses.

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

SECTION 1. This Act may be called the Michael and Howard Act.

SECTION 2. Section 724.012, Transportation Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) A peace officer shall require the taking of a specimen of the person's breath or 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 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;

(3) at the time of the arrest the officer reasonably believes that ~~[a person has died or will die]~~ as a direct result of the accident;

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

(B) an individual other than the person has suffered bodily injury; and

(4) the person refuses the officer's request to submit

1 to the taking of a specimen voluntarily.

2 (d) In this section, "bodily injury" has the meaning  
3 assigned by Section 1.07, Penal Code.

4 SECTION 3. The change in law made by this Act applies only  
5 to the taking of a specimen of a person's breath or blood under  
6 Section 724.012, Transportation Code, as amended by this Act, on or  
7 after the effective date of this Act. The taking of a specimen  
8 before the effective date of this Act is covered by the law in  
9 effect when the specimen was taken, and the former law is continued  
10 in effect for that purpose.

11 SECTION 4. This Act takes effect September 1, 2003.