

By: Zaffirini

S.B. No. 46

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. 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 serious bodily injury; and

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

(d) In this section, "serious bodily injury" has the meaning

1 assigned by Section 1.07, Penal Code.

2           SECTION 2. The change in law made by this Act applies only  
3 to the taking of a specimen of a person's breath or blood under  
4 Section 724.012, Transportation Code, as amended by this Act, on or  
5 after the effective date of this Act. The taking of a specimen  
6 before the effective date of this Act is covered by the law in  
7 effect when the specimen was taken, and the former law is continued  
8 in effect for that purpose.

9           SECTION 3. This Act takes effect September 1, 2003.