

AN ACT

relating to testing for communicable diseases certain people who are arrested.

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

SECTION 1. Subsection (a), Article 18.22, Code of Criminal Procedure, is amended to read as follows:

(a) A person who is arrested for a misdemeanor or felony [~~an offense under Section 38.04, Penal Code,~~] and who during the commission of that offense or an arrest following the commission of that offense causes a peace [~~committed an assault on a peace officer by biting the officer or otherwise causing the~~] officer to come into contact with the person's bodily fluids shall, at the direction of the court having jurisdiction over the arrested person, undergo a medical procedure or test designed to show or help show whether the person has a communicable disease. The court may direct the person to undergo the procedure or test on its own motion or on the request of the peace officer. If the person refuses to submit voluntarily to the procedure or test, the court shall require the person to submit to the procedure or test. Notwithstanding any other law, the person performing the procedure or test shall make the test results available to the local health authority, and the local health authority shall notify the peace officer of the test result. The state may not use the fact that a medical procedure or test was performed on a person under this article, or use the results of the

1 procedure or test, in any criminal proceeding arising out of the
2 alleged offense.

3 SECTION 2. This Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 1835 passed the Senate on May 6, 2003, by the following vote: Yeas 31, Nays 0; May 31, 2003, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 31, 2003, House granted request of the Senate; June 1, 2003, Senate adopted Conference Committee Report by a viva-voce vote.

Secretary of the Senate

I hereby certify that S.B. No. 1835 passed the House, with amendment, on May 28, 2003, by a non-record vote; May 31, 2003, House granted request of the Senate for appointment of Conference Committee; June 1, 2003, House adopted Conference Committee Report by the following vote: Yeas 86, Nays 53, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor