

By: Staples

S.B. No. 1835

A BILL TO BE ENTITLED

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AN ACT

relating to testing for communicable diseases of certain persons 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 ~~an~~ a misdemeanor or felony offense [~~under Section 38.04, Penal Code~~] and who during the commission of that offense [~~committed an assault on a peace officer by biting the officer or otherwise causing~~] causes 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 procedure or test, in any

1 criminal proceeding arising out of the alleged offense.

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