

1-1 By: Staples S.B. No. 1835
1-2 (In the Senate - Filed March 14, 2003; March 24, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 April 28, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 28, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1835 By: Williams

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to testing for communicable diseases certain people who
1-11 are arrested.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Article 18.22, Code of Criminal
1-14 Procedure, is amended to read as follows:

1-15 (a) A person who is arrested for a misdemeanor or felony [~~an~~
1-16 ~~offense under Section 38.04, Penal Code,~~] and who during the
1-17 commission of that offense or an arrest following the commission of
1-18 that offense causes a peace officer ~~[committed an assault on a peace officer~~
1-19 ~~by biting the officer or otherwise causing the]~~ officer to come into
1-20 contact with the person's bodily fluids shall, at the direction of
1-21 the court having jurisdiction over the arrested person, undergo a
1-22 medical procedure or test designed to show or help show whether the
1-23 person has a communicable disease. The court may direct the person
1-24 to undergo the procedure or test on its own motion or on the request
1-25 of the peace officer. If the person refuses to submit voluntarily
1-26 to the procedure or test, the court shall require the person to
1-27 submit to the procedure or test. Notwithstanding any other law, the
1-28 person performing the procedure or test shall make the test results
1-29 available to the local health authority, and the local health
1-30 authority shall notify the peace officer of the test result. The
1-31 state may not use the fact that a medical procedure or test was
1-32 performed on a person under this article, or use the results of the
1-33 procedure or test, in any criminal proceeding arising out of the
1-34 alleged offense.

1-35 SECTION 2. This Act takes effect September 1, 2003.

1-36 * * * * *