

By: McClendon

H.B. No. 651

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of a presumption in certain criminal
3 proceedings as to evidence of a defendant's alcohol concentration
4 determined by an analysis of the defendant's breath, blood, or
5 urine.

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

7 SECTION 1. Chapter 38, Code of Criminal Procedure, is
8 amended by adding Article 38.24 to read as follows:

9 Art. 38.24. EVIDENCE OF ALCOHOL CONCENTRATION. For
10 purposes of the prosecution of an offense under Chapter 49, Penal
11 Code, relating to the operating of a motor vehicle while
12 intoxicated, it is presumed that at the time of the offense, the
13 person had an alcohol concentration equal to or higher than 0.08 if
14 that level of alcohol concentration is shown by an analysis of a
15 specimen of the person's breath, blood, or urine taken from the
16 person not later than three hours after the time of the person's
17 arrest.

18 SECTION 2. The change in law made by this Act applies only
19 to an offense committed on or after September 1, 2005. An offense
20 committed before September 1, 2005, is covered by the law in effect
21 when the offense was committed, and the former law is continued in
22 effect for that purpose. For purposes of this section, an offense
23 was committed before September 1, 2005, if any element of the
24 offense was committed before that date.

1 SECTION 3. This Act takes effect September 1, 2005.