

By: Aycock

H.B. No. 170

A BILL TO BE ENTITLED

AN ACT

1
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. (a) In this
10 article, "offense relating to the operating of a motor vehicle
11 while intoxicated" and "offense of operating a watercraft while
12 intoxicated" have the meanings assigned by Section 49.09, Penal
13 Code.

14 (b) For purposes of the prosecution of an offense relating
15 to the operating of a motor vehicle or watercraft while
16 intoxicated, it is presumed that the person had an alcohol
17 concentration equal to or higher than 0.08 at the time of the
18 offense if that level of alcohol concentration is shown by an
19 analysis of a specimen of the person's breath, blood, or urine taken
20 from the person not later than 90 minutes after the time of the
21 person's arrest.

22 SECTION 2. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is

1 covered by the law in effect when the offense was committed, and the
2 former law is continued in effect for that purpose. For purposes of
3 this section, an offense was committed before the effective date of
4 this Act if any element of the offense was committed before that
5 date.

6 SECTION 3. This Act takes effect September 1, 2009.