

BILL ANALYSIS

H.B. 1743
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Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Many driving while intoxicated incidents result in the arresting officer applying for a warrant authorizing the taking of a blood or breath specimen from the person suspected of committing the offense. Currently, there is concern that informing a person that a refusal to submit to the taking of a specimen may result in the officer applying for a warrant authorizing the taking of that specimen constitutes coercion on the part of the informing officer.

H.B. 1743 seeks to remedy this issue by adding to the information that an officer under those circumstances is required to provide before requesting that the person submit to the taking of a specimen.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1743 amends the Transportation Code to include among the information that a peace officer is required to provide a person orally and in writing before requesting the person to submit to the taking of a specimen of the person's breath or blood following the person's arrest for a certain alleged intoxication offense the fact that the officer is authorized to apply for a warrant authorizing a specimen to be taken from the person if the person refuses to submit to the taking of the specimen.

EFFECTIVE DATE

September 1, 2011.