

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable Sid Miller, Chair, House Committee on Homeland Security & Public Safety

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB440 by Turner (Relating to the authority of a peace officer to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to prohibit a peace officer from taking a blood specimen from a driver to test for alcohol concentration or other intoxicating substances.

The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house. If the bill does not receive the votes required to pass, the bill would take effect September 1, 2011.

Local Government Impact

If a law enforcement agency does not currently use peace officers to take blood, the provisions of the bill would have no fiscal impact.

If a law enforcement agency is currently using a peace officer who is an authorized person to take blood to obtain blood specimens from a vehicle operator, the agency would have to discontinue the practice and instead pay for the services of a non-peace officer who is authorized to take blood. The resulting costs would vary by agency and would depend on how frequently circumstances lead to taking blood from a driver. It is assumed that a law enforcement agency would utilize blood tests only if sufficient resources are available.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, ESi, TP