

By: King of Parker

H.B. No. 1658

A BILL TO BE ENTITLED

1 AN ACT

2 relating to requiring the arrest and collection of a breath or blood
3 specimen of persons operating a motor vehicle or watercraft while
4 intoxicated under certain circumstances.

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

6 SECTION 1. Section 724.012(b), Transportation Code, is
7 amended to read as follows:

8 (b) A peace officer shall arrest a person and require the
9 taking of a specimen of the person's breath or blood under any of
10 the following circumstances if the officer has probable cause to
11 arrest [~~arrests~~] the person for an offense under Chapter 49, Penal
12 Code, involving the operation of a motor vehicle or a watercraft and
13 the person refuses the officer's request to submit to the taking of
14 a specimen voluntarily:

15 (1) the person was the operator of a motor vehicle or a
16 watercraft involved in an accident that the officer reasonably
17 believes occurred as a result of the offense and, at the time of the
18 arrest, the officer reasonably believes that as a direct result of
19 the accident:

20 (A) any individual has died or will die;

21 (B) an individual other than the person has
22 suffered serious bodily injury; or

23 (C) an individual other than the person has
24 suffered bodily injury and been transported to a hospital or other

1 medical facility for medical treatment;

2 (2) the offense for which the officer arrests the
3 person is an offense under Section 49.045, Penal Code; or

4 (3) at the time of the arrest, the officer possesses or
5 receives reliable information from a credible source that the
6 person:

7 (A) has been previously convicted of or placed on
8 community supervision for an offense under Section 49.045, 49.07,
9 or 49.08, Penal Code, or an offense under the laws of another state
10 containing elements substantially similar to the elements of an
11 offense under those sections; or

12 (B) on two or more occasions, has been previously
13 convicted of or placed on community supervision for an offense
14 under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an
15 offense under the laws of another state containing elements
16 substantially similar to the elements of an offense under those
17 sections.

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

26 SECTION 3. This Act takes effect September 1, 2013.