

By: Geren

H.B. No. 3312

A BILL TO BE ENTITLED

AN ACT

relating to the taking of an additional specimen of a person's blood on arrest for certain intoxication offenses.

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

SECTION 1. Section 724.019, Transportation Code, is amended by adding Subsections (b-1), (b-2), and (d-1) and amending Subsection (d) to read as follows:

(b-1) A person who requests an additional specimen of the person's blood to be taken is responsible for the costs of the taking and analysis of the specimen.

(b-2) A specimen taken under Subsection (a) is not required to be analyzed in a laboratory accredited by the department to be admissible as evidence in the trial of the offense for which the specimen was taken.

(d) Except as provided by Subsection (d-1), the [The] failure or inability to obtain an additional specimen or analysis under this section does not preclude the admission of evidence relating to the analysis of the specimen taken at the request or order of the peace officer.

(d-1) If a peace officer or another person acting for or on behalf of the state interferes with a person's request for an independent test under this section, any evidence relating to the analysis of a specimen taken at the request or order of the peace officer is not admissible as evidence in the trial of the offense

1 for which the specimen was taken.

2 SECTION 2. The change in law made by this Act applies to an
3 arrest that occurs on or after the effective date of this Act. An
4 arrest that occurs before the effective date of this Act is governed
5 by the law in effect on the date of the arrest, and the former law is
6 continued in effect for that purpose.

7 SECTION 3. This Act takes effect September 1, 2015.