

By: Meza

H.B. No. 1287

A BILL TO BE ENTITLED

AN ACT

relating to the taking of a blood specimen on arrest for certain intoxication offenses.

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

SECTION 1. This Act may be cited as Colten's Law.

SECTION 2. Section 724.012, Transportation Code, is amended by adding Subsection (a-1) and amending Subsections (b) and (c) to read as follows:

(a-1) A peace officer shall require the taking of a specimen of the person's blood if:

(1) the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle;

(2) the person refuses the officer's request to submit to the taking of a specimen voluntarily;

(3) the person was the operator of a motor vehicle involved in an accident involving a pedestrian;

(4) the officer reasonably believes that the accident occurred as a result of the offense; and

(5) at the time of the arrest, the officer reasonably believes that as a direct result of the accident the pedestrian has died, will die, or has suffered serious bodily injury.

(b) Subject to Subsection (a-1), a [A] peace officer shall require the taking of a specimen of the person's breath or blood

1 under any of the following circumstances if the officer arrests the
2 person for an offense under Chapter 49, Penal Code, involving the
3 operation of a motor vehicle or a watercraft and the person refuses
4 the officer's request to submit to the taking of a specimen
5 voluntarily:

6 (1) the person was the operator of a motor vehicle or a
7 watercraft involved in an accident that the officer reasonably
8 believes occurred as a result of the offense and, at the time of the
9 arrest, the officer reasonably believes that as a direct result of
10 the accident:

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

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

14 (C) an individual other than the person has
15 suffered bodily injury and been transported to a hospital or other
16 medical facility for medical treatment;

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

19 (3) at the time of the arrest, the officer possesses or
20 receives reliable information from a credible source that the
21 person:

22 (A) has been previously convicted of or placed on
23 community supervision for an offense under Section 49.045, 49.07,
24 or 49.08, Penal Code, or an offense under the laws of another state
25 containing elements substantially similar to the elements of an
26 offense under those sections; or

27 (B) on two or more occasions, has been previously

1 convicted of or placed on community supervision for an offense
2 under Section 49.04, 49.05, 49.06, or 49.065, Penal Code, or an
3 offense under the laws of another state containing elements
4 substantially similar to the elements of an offense under those
5 sections.

6 (c) Except as provided by Subsection (a-1), the ~~[The]~~ peace
7 officer shall designate the type of specimen to be taken.

8 SECTION 3. Section 724.013, Transportation Code, is amended
9 to read as follows:

10 Sec. 724.013. PROHIBITION ON TAKING SPECIMEN IF PERSON
11 REFUSES; EXCEPTION. Except as provided by Section 724.012(a-1) or
12 (b) ~~[724.012(b)]~~, a specimen may not be taken if a person refuses to
13 submit to the taking of a specimen designated by a peace officer.

14 SECTION 4. The change in law made by this Act applies only
15 to an arrest that occurs on or after the effective date of this Act.
16 An arrest that occurs before the effective date of this Act is
17 governed by the law in effect on the date the arrest occurred, and
18 the former law is continued in effect for that purpose.

19 SECTION 5. This Act takes effect September 1, 2021.