

## **BILL ANALYSIS**

C.S.H.B. 558  
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Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Many families who have lost loved ones in tragic vehicle accidents have mentioned the possibility of the other driver being under the influence of drugs or alcohol. However, law enforcement is not currently required to seek out a blood sample at the scene of the crime and typically relies on only a breathalyzer exam, which is not always able to detect or confirm intoxication. It has been suggested that a blood specimen would be much more effective at detecting controlled substances that affect a person's cognitive ability. C.S.H.B. 558 seeks to address this issue by requiring a blood specimen to be taken on arrest for certain intoxication offenses under certain conditions.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 558 amends the Transportation Code to require a peace officer to require the taking of a person's blood specimen under the following conditions:

- the officer arrests the person for an intoxication or alcoholic beverage offense involving the operation of a motor vehicle or a watercraft;
- the person refuses the officer's request to submit to the taking of a specimen voluntarily;
- the person was the operator of a motor vehicle or watercraft involved in an accident that the officer reasonably believes occurred as a result of the offense; and
- at the time of the arrest, the officer reasonably believes that an individual has died, will die, or has suffered serious bodily injury as a direct result of the accident.

The bill prohibits a peace officer from requiring the taking of a specimen unless the officer obtains a warrant directing that the specimen be taken or has probable cause to believe that exigent circumstances exist.

### **EFFECTIVE DATE**

September 1, 2021.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 558 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following provisions, which were absent from the original:

- a requirement for a peace officer to require the taking of a blood specimen if, among other criteria, the officer reasonably believes at the time of the arrest that any individual has suffered serious bodily injury as a direct result of the accident; and
- a prohibition against a peace officer requiring the taking of a specimen unless the officer obtains a warrant or has probable cause to believe that exigent circumstances exist.