

BILL ANALYSIS

Senate Research Center

S.B. 531
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Criminal Justice
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As Filed

DIGEST

Currently, the law states that a peace officer who personally observes a suspect who is arrested for driving while intoxicated (DWI) must be the officer who arrests, transports, and completes all necessary paperwork on the suspect. The law specifically states the "arresting officer" must complete the arrest. Some law enforcement departments have interpreted this to mean the officer who made the first contact. Other police departments have taken a broader interpretation and allow other officers or specialized DWI squads to arrest and process a suspect. This bill would clear up any ambiguities and allow a patrol officer to make the original stop and then request the specialized DWI squads to respond to handle the arrest.

PURPOSE

As proposed, S.B. 531 deletes a requirement that a peace officer personally deliver a notice of driver's license suspension to persons arrested for certain offenses.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 524.011, Transportation Code, as follows:

Sec. 524.011. New heading: OFFICER'S DUTIES FOR DRIVER'S LICENSE SUSPENSION. Requires a peace officer, rather than the arresting officer, if a person is arrested for certain offenses, to serve or attempt to serve notice of driver's license suspension by delivering the notice, rather than personally delivering the notice, to the arrested person. Makes a conforming change.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.