

BILL ANALYSIS

Senate Research Center
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H.B. 558
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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. 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.

H.B. 558 amends current law relating to the taking of a blood specimen on arrest for certain intoxication offenses.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 724.012, Transportation Code, by adding Subsections (a-1) and (e) and amending Subsections (b) and (c), as follows:

- (a-1) Requires a peace officer to require the taking of a specimen of the person's blood if:
- (1) the officer arrests the person for an offense under Chapter 49 (Intoxication and Alcoholic Beverage Offenses), Penal Code, involving the operation of a motor vehicle or a watercraft;
 - (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 or a watercraft involved in an accident that the officer reasonably believes occurred as a result of the offense; and
 - (4) at the time of the arrest, the officer reasonably believes that as a direct result of the accident any individual has died, will die, or has suffered serious bodily injury.
- (b) Requires a peace officer, subject to Subsection (a-1), to require the taking of a specimen of the person's breath or blood under any of certain circumstances if the officer arrests the person for an offense under Chapter 49, Penal Code, involving the operation of a motor vehicle or a watercraft and the person refuses the officer's request to submit to the taking of a specimen voluntarily.

Deletes existing text requiring a peace officer to require the taking of a specimen of the person's breath or blood if the person was the operator of a motor vehicle or a 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 as a direct result of the accident, any individual has died or will die or an individual other than the person has suffered serious bodily injury. Makes nonsubstantive changes.

(c) Creates an exception under Subsection (a-1) to the requirement that the peace officer designate the type of specimen to be taken. Makes a nonsubstantive change.

(e) Prohibits a peace officer from requiring the taking of a specimen under Section 724.012 (Taking of Specimen) unless the officer obtains a warrant directing that the specimen be taken or has probable cause to believe that exigent circumstances exist.

SECTION 2. Amends Section 724.013, Transportation Code, as follows:

Sec. 724.013. PROHIBITION ON TAKING SPECIMEN IF PERSON REFUSES; EXCEPTION. Prohibits a specimen from being taken if a person refuses to submit to the taking of a specimen designated by a peace officer, except as provided by Section 724.012(a-1) or (b), rather than except as provided by Section 724.012(b).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.