

BILL ANALYSIS

Senate Research Center
78R1001 JRJ-D

S.B. 46
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DIGEST AND PURPOSE

Currently, when a person dies in an accident and the death is believed to be related to alcohol, a specimen of the person's blood or breath is required. However, no blood alcohol content (BAC) analysis is required if a person is seriously injured in the accident. As proposed, S.B. 46 would require a BAC analysis of a person if any individual has died or will die, or if an individual other than the person has suffered serious bodily injury as a result of a motor vehicle or watercraft accident.

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 amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires a peace officer making an arrest for certain alcohol-related offenses to take a specimen of the person's breath or blood if at the time of the arrest the officer reasonably believes that certain events occurred as a direct result of the accident.

(d) Defines "serious bodily injury."

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2003.