

## **BILL ANALYSIS**

Senate Research Center  
82R6951 JSC-F

S.B. 1787  
By: Patrick  
Criminal Justice  
4/29/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Many driving while intoxicated incidents result in the application for a warrant authorizing the taking of a specimen from the suspect. Currently, there is doubt as to whether it constitutes coercion for a police officer to inform a person that if he or she refuses to submit to the taking of a specimen, the police officer may apply for a warrant authorizing the taking of a specimen.

S.B. 1787 would remove this doubt by requiring officers to inform a person—before requesting that person to submit to the taking of a specimen—that if the person refuses to submit to the taking of a specimen, the officer may apply for a warrant authorizing the taking of that specimen. This ensures that the defendant is warned of all of the ramifications of refusing a breath test.

As proposed, S.B. 1787 amends current law relating to the information provided by a peace officer before requesting a specimen to determine intoxication.

### **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 724.015, Transportation Code, as follows:

Sec. 724.015. INFORMATION PROVIDED BY OFFICER BEFORE REQUESTING SPECIMEN. Requires an officer, before requesting a person to submit to the taking of a specimen, to inform the person orally and in writing that:

- (1)-(2) Makes no changes to these subdivisions;
- (3) if the person refuses to submit to the taking of a specimen, the officer may apply for a warrant authorizing a specimen to be taken from the person; and
- (4)-(7) Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2011.