

BILL ANALYSIS

Senate Research Center

S.B. 56
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Jurisprudence
4/18/2001
Committee Report (Amended)

DIGEST AND PURPOSE

An appellate court ruled in 1998 that the use of a breath test administered one hour after a suspect was arrested did not provide sufficient evidence to indicate the suspect's blood alcohol concentration at the time of the arrest, but then overturned that ruling in May of 1999. S.B. 56 establishes a presumption that at the time of operating a motor vehicle in a public place, a person operating the vehicle had an alcohol concentration level equal to or higher than the level shown by an analysis of breath or blood taken from the person at or not later than two hours after the time of the person's arrest.

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 Chapter 524D, Transportation Code, by adding Section 524.0375, as follows:

Section 524.0375. PRESUMPTION REGARDING ANALYSIS. Provides that for purposes of this chapter, it is presumed that at the time of operating a motor vehicle in a public place, the person operating the vehicle had an alcohol concentration level equal to or higher than the level in Chapter 49.01 (Definitions), Penal Code, shown by an analysis of breath or blood taken from the person at or not later than two hours after the time of the person's arrest.

SECTION 2. Effective date: July 1, 2001, or September 1, 2001.

Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1.

Adds a citation of Chapter 49.01, Penal Code, in SECTION 1, page 1, line 12.