

BILL ANALYSIS

Senate Research Center

S.B. 58
By: Zaffirini
Jurisprudence
4/18/2001
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, there are some concerns regarding the clarity of the warning statements that officers are required to give a person suspected of driving while intoxicated. S.B. 58 allows an arresting officer, in a certain manner, to explain certain information regarding the consequences of a person's submittal to, or refusal to submit to, a specimen test and provides that evidence of a person's refusal to submit to the taking of a specimen or the analysis of the specimen is admissible in certain hearings or in a subsequent prosecution under certain conditions.

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, by adding Subsections (b) and (c) to authorize a peace officer, upon request by the arrested person, to explain in a straightforward manner the consequences required by this section or provide additional information regarding submitting or refusing to submit to the taking of a specimen. Provides that evidence of a person's refusal to submit to the taking of a specimen or the analysis of the specimen is admissible in a subsequent prosecution if the arresting officer substantially complies with this section.

SECTION 2. Makes application of this act prospective.

SECTION 3. Effective date: September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Committee Amendment No. 1.

Replaces a reference to "court" with a reference to "a subsequent prosecution" in SECTION 1, page 3, line 12.