

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The heading to Article 18.22, Code of Criminal
6 Procedure, is amended to read as follows:

7 Art. 18.22. TESTING CERTAIN DEFENDANTS OR CONFINED PERSONS
8 FOR COMMUNICABLE DISEASES [~~FOLLOWING CERTAIN ARRESTS~~].

9 SECTION 2. Article 18.22, Code of Criminal Procedure, is
10 amended by amending Subsections (a) and (b) and adding Subsection
11 (d) to read as follows:

1 peace officer, magistrate, or correctional facility employee. If
2 the person refuses to submit voluntarily to the procedure or test,
3 the court shall require the person to submit to the procedure or
4 test. Notwithstanding any other law, the person performing the
5 procedure or test shall make the test results available to the local
6 health authority, and the local health authority shall notify the
7 peace officer, magistrate, or correctional facility employee, as
8 appropriate, of the test result. The state may not use the fact
9 that a medical procedure or test was performed on a person under
10 this article, or use the results of the procedure or test, in any
11 criminal proceeding arising out of the alleged offense.

12 (b) Testing under this article shall be conducted in
13 accordance with written infectious disease control protocols
14 adopted by the Department [~~Texas Board~~] of State Health Services
15 that clearly establish procedural guidelines that provide criteria
16 for testing and that respect the rights of the arrested person and
17 the peace officer, magistrate, or correctional facility employee.

18 (d) In this article, "correctional facility" means:

19 (1) any place described by Section 1.07(a)(14), Penal
20 Code; or

21 (2) a "secure correctional facility" or "secure
22 detention facility" as those terms are defined by Section 51.02,
23 Family Code.

24 SECTION 3. The change in law made by this Act applies to a
25 motion by the court or request of a magistrate or correctional
26 facility employee made on or after the effective date of this Act,
27 regardless of whether the offense for which the person was arrested

H.B. No. 1595

1 or the applicable contact with bodily fluids occurred before, on,
2 or after that date.

3 SECTION 4. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2015.

H.B. No. 1595

President of the Senate

Speaker of the House

I certify that H.B. No. 1595 was passed by the House on April 23, 2015, by the following vote: Yeas 137, Nays 0, 3 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1595 was passed by the Senate on May 26, 2015, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor