

'No refusal' in force for New Year's

It's either breathalyzer or blood test

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For the second time, Fort Bend County law enforcement agencies are agreeing to conduct a night of "no refusal" for suspected drunk drivers who do not wish to be tested for intoxication.

District Attorney John Healey said his office will be working with law enforcement agencies in Fort Bend County to coordinate the program on New Year's Eve and early New Year's Day.

The program will be in effect from 10 p.m. New Year's Eve, or Wednesday, to 6 a.m. New Year's Day, Thursday.

Healey said during that time, individuals who are suspected of driving drunk and who refuse to submit to a breathalyzer test may be forced to have their blood tested instead.

In order to have an individual's blood tested, a law enforcement officer must prepare a search warrant affidavit and receive the approval of a judge, said Healey.

A no refusal weekend was held Labor Day this year, and Healey said officers requested six blood tests through warrants and had five of them granted by judges.

The blood tests would only be to determine intoxication, said Healey, and if authorized, they would be conducted at the infirmary of the county jail using normal medical procedures.

Healey said the "no-refusal" concept has been found Constitutional both by the U.S. Supreme Court and the Texas Court of Criminal Appeals. He said the procedure has been implemented in 19 of the 20 counties that surround Houston.