

BILL ANALYSIS

Senate Research Center

S.B. 45
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Criminal Justice
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Enrolled

DIGEST AND PURPOSE

Under current Texas law, a person who is driving while intoxicated (DWI) and has a child in the motor vehicle can be charged with child endangerment. However the DWI, the lesser charge, will not be prosecuted, because child endangerment is a state felony. S.B. 45 creates a new offense, "DWI with child passenger," as a state jail felony.

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 49, Penal Code, by adding Section 49.045, as follows:

Sec. 49.045. DRIVING WHILE INTOXICATED WITH CHILD PASSENGER.

(a) Provides that a person commits an offense if the person is intoxicated while operating a motor vehicle in a public place and the vehicle being operated by the person is occupied by a passenger who is younger than 15 years of age.

(b) Provides that an offense under this section is a state jail felony.

SECTION 2. Amends Section 49.09(c)(1), Penal Code, to include a reference to Section 49.045.

SECTION 3. Amends Section 49.10, Penal Code, to make a conforming change.

SECTION 4. Effective date: September 1, 2003.
Makes application of this Act prospective.