

BILL ANALYSIS

C.S.S.B. 45
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND 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 jail felony. C.S.S.B. 45 creates a new offense, "DWI with a child," as a state jail felony.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 45 amends the Penal Code to provide that a person commits a state jail 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 and specifies that it is no defense in a prosecution that the defendant is or was entitled to use the substance. In addition, the bill allows prior convictions of this new offense to be used to create an enhanced penalty by one degree for certain intoxication offenses.

EFFECTIVE DATE

September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the engrossed bill in that it allows prior convictions of this new offense to be used to create an enhanced penalty by one degree for certain intoxication offenses. The substitute also specifies that it is no defense in a prosecution that the defendant is or was entitled to use the substance.