

By: Wohlgemuth

H.B. No. 1657

A BILL TO BE ENTITLED

AN ACT

relating to the sentencing of defendants convicted of multiple counts of intoxication assault or intoxication manslaughter.

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

SECTION 1. Section 3.03(b), Penal Code, is amended to read as follows:

(b) If the accused is found guilty of more than one offense arising out of the same criminal episode, the sentences may run concurrently or consecutively if each sentence is for a conviction of:

(1) an offense:

(A) under Section 49.07 or 49.08, regardless of whether the accused is convicted of violations of the same section more than once or is convicted of violations of both sections; or

(B) for which a plea agreement was reached in a case in which the accused was charged with more than one offense listed in Paragraph (A), regardless of whether the accused is charged with violations of the same section more than once or is charged with violations of both sections [~~under Section 49.08~~]; or

(2) an offense:

(A) under Section 21.11, 22.011, 22.021, 25.02, or 43.25 committed against a victim younger than 17 years of age at the time of the commission of the offense regardless of whether the accused is convicted of violations of the same section more than

1 once or is convicted of violations of more than one section; or

2 (B) for which a plea agreement was reached in a  
3 case in which the accused was charged with more than one offense  
4 listed in Paragraph (A) committed against a victim younger than 17  
5 years of age at the time of the commission of the offense regardless  
6 of whether the accused is charged with violations of the same  
7 section more than once or is charged with violations of more than  
8 one section.

9 SECTION 2. (a) This Act takes effect September 1, 2003.

10 (b) The change in law made by this Act applies only to an  
11 offense committed on or after September 1, 2003. An offense  
12 committed before September 1, 2003, is covered by the law in effect  
13 when the offense was committed, and the former law is continued in  
14 effect for that purpose. For the purposes of this subsection, an  
15 offense was committed before September 1, 2003, if any element of  
16 the offense was committed before that date.