

1-1 By: Zaffirini S.B. No. 45  
1-2 (In the Senate - Filed November 12, 2002; January 27, 2003,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 22, 2003, reported favorably, as amended, by the following  
1-5 vote: Yeas 4, Nays 0; April 22, 2003, sent to printer.)

1-6 COMMITTEE AMENDMENT NO. 1 By: Whitmire

1-7 Amend S.B. No. 45, in SECTION 1 of the bill, in proposed  
1-8 Subdivision (2), Subsection (a), Section 49.045, Penal Code (page  
1-9 1, line 22), by striking "16" and substituting "15".

1-10 A BILL TO BE ENTITLED  
1-11 AN ACT

1-12 relating to the operation of a motor vehicle while intoxicated with  
1-13 a child passenger in the vehicle; providing a penalty.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Chapter 49, Penal Code, is amended by adding  
1-16 Section 49.045 to read as follows:

1-17 Sec. 49.045. DRIVING WHILE INTOXICATED WITH CHILD  
1-18 PASSENGER. (a) A person commits an offense if:

1-19 (1) the person is intoxicated while operating a motor  
1-20 vehicle in a public place; and

1-21 (2) the vehicle being operated by the person is  
1-22 occupied by a passenger who is younger than 16 years of age.

1-23 (b) An offense under this section is a state jail felony.

1-24 SECTION 2. (a) This Act takes effect September 1, 2003.

1-25 (b) The change in law made by this Act applies only to an  
1-26 offense committed on or after September 1, 2003.

1-27 (c) An offense committed before September 1, 2003, is  
1-28 covered by the law in effect when the offense was committed, and the  
1-29 former law is continued in effect for that purpose. For purposes of  
1-30 this section, an offense was committed before September 1, 2003, if  
1-31 any element of the offense was committed before that date.

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