

1-1 By: Gallegos S.B. No. 795
1-2 (In the Senate - Filed March 3, 2003; March 5, 2003, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 May 7, 2003, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; May 7, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the punishment for a corporation or association
1-9 convicted of an offense involving the criminally negligent
1-10 inspection, maintenance, or operation of a commercial motor
1-11 vehicle.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 12.51, Penal Code, is amended by
1-14 amending Subsections (b) and (c) and adding Subsection (f) to read
1-15 as follows:

1-16 (b) If a corporation or association is adjudged guilty of an
1-17 offense that provides a penalty including imprisonment, or that
1-18 provides no specific penalty, a court may sentence the corporation
1-19 or association to pay a fine in an amount fixed by the court, not to
1-20 exceed:

1-21 (1) \$20,000 if the offense is a felony of any category;

1-22 (2) \$10,000 if the offense is a Class A or Class B
1-23 misdemeanor;

1-24 (3) \$2,000 if the offense is a Class C misdemeanor;
1-25 [~~or~~]

1-26 (4) \$50,000 if, as a result of an offense classified as
1-27 a felony or Class A misdemeanor, an individual suffers serious
1-28 bodily injury or death; or

1-29 (5) \$100,000 if, as a result of criminally negligent
1-30 conduct involving the inspection, maintenance, or operation of a
1-31 commercial motor vehicle, an individual suffers death.

1-32 (c) In lieu of the fines authorized by Subsections (a),
1-33 (b)(1), (b)(2), [~~and~~] (b)(4), and (b)(5), if a court finds that the
1-34 corporation or association gained money or property or caused
1-35 personal injury or death, property damage, or other loss through
1-36 the commission of a felony or Class A or Class B misdemeanor, the
1-37 court may sentence the corporation or association to pay a fine in
1-38 an amount fixed by the court, not to exceed double the amount gained
1-39 or caused by the corporation or association to be lost or damaged,
1-40 whichever is greater.

1-41 (f) In this section, "commercial motor vehicle" means a
1-42 self-propelled or towed vehicle that is used on a public highway to
1-43 transport cargo if the vehicle or combination of vehicles has a
1-44 gross weight, registered weight, or gross weight rating of more
1-45 than 26,000 pounds.

1-46 SECTION 2. (a) This Act takes effect September 1, 2003.

1-47 (b) The change in law made by this Act applies only to an
1-48 offense committed on or after September 1, 2003. An offense
1-49 committed before September 1, 2003, is covered by the law in effect
1-50 when the offense was committed, and the former law is continued in
1-51 effect for that purpose. For purposes of this subsection, an
1-52 offense was committed before September 1, 2003, if any element of
1-53 the offense was committed before that date.

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