

By: Williams

S.B. No. 878

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

1 accused is convicted of violations of the same section more than
2 once or is convicted of violations of more than one section; or

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

10 (3) an offense not otherwise listed or described by
11 Subdivision (1) or (2):

12 (A) that is listed in Section 3g(a)(1), Article
13 42.12, Code of Criminal Procedure, or for which the judgment
14 contains an affirmative finding under Subsection 3g(a)(2) of that
15 article, regardless of whether the accused is convicted of
16 violations of the same section more than once or is convicted of
17 violations of more than one section; or

18 (B) for which a plea bargain agreement was
19 reached in a case in which the accused was charged with more than
20 one offense described by Paragraph (A), regardless of whether the
21 accused is charged with violations of the same section more than
22 once or is charged with violations of more than one section.

23 SECTION 2. Section 3.04(c), Penal Code, is amended to read
24 as follows:

25 (c) The right to severance under this section does not apply
26 to a prosecution for offenses described by Section 3.03(b)[~~(2)~~]
27 unless the court determines that the defendant or the state would be

1 unfairly prejudiced by a joinder of offenses, in which event the
2 judge may order the offenses to be tried separately or may order
3 other relief as justice requires.

4 SECTION 3. The change in law made by this Act applies only
5 to an offense committed on or after September 1, 2003. An offense
6 committed before September 1, 2003, is covered by the law in effect
7 when the offense was committed, and the former law is continued in
8 effect for that purpose. For the purposes of this section, an
9 offense was committed before September 1, 2003, if any element of
10 the offense was committed before that date.

11 SECTION 4. This Act takes effect September 1, 2003.