

By: Deuell

S.B. No. 1425

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the enhancement of the criminal consequences of certain
3 intoxication offenses.

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

5 SECTION 1. Sections 49.04(b) and (c), Penal Code, are
6 amended to read as follows:

7 (b) Except as provided by Subsection (c) and Section 49.09,
8 an offense under this section is a Class B misdemeanor, with a
9 minimum term of confinement of seven days [~~72 hours~~].

10 (c) If it is shown on the trial of an offense under this
11 section that at the time of the offense the person operating the
12 motor vehicle had an open container of alcohol in the person's
13 immediate possession, the offense is a Class B misdemeanor, with a
14 minimum term of confinement of 10 [~~six~~] days.

15 SECTION 2. Section 49.05(b), Penal Code, is amended to read
16 as follows:

17 (b) Except as provided by Section 49.09, an offense under
18 this section is a Class B misdemeanor, with a minimum term of
19 confinement of seven days [~~72 hours~~].

20 SECTION 3. Section 49.06(b), Penal Code, is amended to read
21 as follows:

22 (b) Except as provided by Section 49.09, an offense under
23 this section is a Class B misdemeanor, with a minimum term of
24 confinement of seven days [~~72 hours~~].

1 SECTION 4. Sections 49.065(b) and (c), Penal Code, are
2 amended to read as follows:

3 (b) Except as provided by Subsection (c) and Section 49.09,
4 an offense under this section is a Class B misdemeanor with a
5 minimum term of confinement of seven days [~~72 hours~~].

6 (c) If it is shown on the trial of an offense under this
7 section that at the time of the offense the person operating the
8 amusement ride or assembling the mobile amusement ride had an open
9 container of alcohol in the person's immediate possession, the
10 offense is a Class B misdemeanor with a minimum term of confinement
11 of 10 [~~six~~] days.

12 SECTION 5. Article 42.038, Code of Criminal Procedure, is
13 amended by adding Subsection (b-1) to read as follows:

14 (b-1) Except as provided by Subsection (c), if the defendant
15 is convicted of a misdemeanor offense under Section 49.04, 49.05,
16 49.06, or 49.065, Penal Code, and sentenced to serve a term of
17 confinement in county jail, the court that orders execution of the
18 sentence shall also require the defendant to reimburse the county
19 for the defendant's confinement at a rate of \$25 a day. Except as
20 provided by Subsection (c), a court that requires a defendant
21 convicted of or placed on deferred adjudication for a misdemeanor
22 offense under those sections and required to submit to a period of
23 confinement in county jail as a condition of community supervision,
24 shall also require that the defendant reimburse the county for the
25 defendant's confinement, with the amount of reimbursement
26 determined as if the defendant were serving an executed sentence.

27 SECTION 6. This Act takes effect September 1, 2003. The

1 changes in law made by this Act apply only to an offense committed
2 on or after the effective date of this Act. For purposes of this
3 section, an offense was committed before the effective date of this
4 Act if any element of the offense occurs before that date. An
5 offense committed before the effective date of this Act is covered
6 by the law in effect when the offense was committed, and the former
7 law is continued in effect for that purpose.