

BILL ANALYSIS

C.S.H.B. 27
By: Callegari
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Public servants, particularly emergency responders such as police officers and firefighters, work to promote the public's health and safety. Unfortunately, such individuals routinely face threats to their lives and health, including that presented by drunk drivers. Last year four police officers were killed by drunk drivers in Texas. C.S.H.B. 27 enhances the penalties for the intoxication assault and intoxication manslaughter of a peace officer or firefighter. The bill increases the penalty for an intoxication assault from a third degree felony sentence (2-10 years imprisonment, \$10,000 fine) to a second degree felony sentence (2-20 years imprisonment, \$10,000 fine). C.S.H.B. 27 increases the penalty for an intoxication manslaughter of a peace officer or firefighter from a second degree felony sentence to a first degree felony (5-99 years imprisonment, \$10,000 fine).

Texas law already places a unique value on the lives of public servants. Statute provides for enhanced penalties for the assault, aggravated assault, or murder of a peace officer or firefighter. Increasing the penalty for intoxication assault and intoxication manslaughter of a peace officer or firefighter would be consistent with the enhanced penalties already provided in other areas of statute.

C.S.H.B. 27 also allows for the stacking of penalties for intoxication assault cases, whereby a felon may serve consecutive sentences for each offense. Current law already permits for the stacking of intoxication manslaughter sentences.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Names the Act the Darren Medlin and Justin Wollam Act.

SECTION 2 Authorizes the use of consecutive sentences for instances where there are more than one count of intoxication assault and/or intoxication manslaughter.

SECTION 3 Excepts an intoxication assault offense involving a peace officer or firefighter from the sentence of a third degree felony.

SECTION 4 Excepts an intoxication manslaughter offense involving peace officer or firefighter from the sentence of a second degree felony.

SECTION 5 Requires the penalty of a second degree felony for intoxication assault offenses involving a peace officer or firefighter. Requires the penalty of a first degree felony for intoxication manslaughter offenses involving a peace officer or firefighter.

SECTION 6 Implementation language clarifying that the changes in statute made by the Act apply to offenses committed on or after 1 September 2005.

SECTION 7 Effective date on 1 September 2005.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 27 replaces the term "public servant" with "peace officer or firefighter". The substitute also names the bill as the Darren Medlin and Justin Wollam Act.