

## **BILL ANALYSIS**

H.B. 49  
By: Smith, Todd  
Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 49.09 of the Penal Code deals with enhanced penalties for certain intoxication offenses, for persons who have been previously convicted of an intoxication offense. Under current law, however, the offense may not be enhanced if the conviction was more than ten years ago and the defendant has not been convicted of a subsequent intoxication offense. House Bill 49 repeals this ten year provision. The bill also allows "DWI with a child in a car" offenses to be used as a final conviction that qualifies for enhancement purposes.

### **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**

House Bill 49 amends the Penal Code to allow an intoxication offense to be enhanced if the defendant's last intoxication offense conviction was more than ten years ago. The bill also allows "DWI with a child in a car" offenses to be used as a final conviction that qualifies for enhancement purposes.

### **EFFECTIVE DATE**

September 1, 2005.