

By: Callegari, Bonnen, Pena, et al.

H.B. No. 27

A BILL TO BE ENTITLED

AN ACT

relating to the penalties for intoxication assault and intoxication manslaughter and to the sentencing of defendants convicted of those offenses.

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

SECTION 1. This Act shall be known as the Darren Medlin and Justin Wollam Act.

SECTION 2. 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 violation 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 violation 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,

1 or 43.25 committed against a victim younger than 17 years of age at  
2 the time of the commission of the offense regardless of whether the  
3 accused is convicted of violations of the same section more than  
4 once or is convicted of violations of more than one section; or

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

12 SECTION 3. Section 49.07(c), Penal Code, is amended to read  
13 as follows:

14 (c) Except as provided by Section 49.09, an [An] offense  
15 under this section is a felony of the third degree.

16 SECTION 4. Section 49.08(b), Penal Code, is amended to read  
17 as follows:

18 (b) Except as provided by Section 49.09, an [An] offense  
19 under this section is a felony of the second degree.

20 SECTION 5. Section 49.09, Penal Code, is amended by adding  
21 Subsection (b-1) to read as follows:

22 (b-1) An offense under Section 49.07 is a felony of the  
23 second degree if it is shown on the trial of the offense that the  
24 person caused serious bodily injury to a peace officer or  
25 firefighter while the peace officer or firefighter was in the  
26 actual discharge of an official duty. An offense under Section  
27 49.08 is a felony of the first degree if it is shown on the trial of

1 the offense that the person caused the death of a peace officer or  
2 firefighter while the peace officer or firefighter was in the  
3 actual discharge of an official duty. In this subsection,  
4 "firefighter" means:

5 (1) an individual employed by this state or by a  
6 political or legal subdivision of this state who is subject to  
7 certification by the Texas Commission on Fire Protection; or

8 (2) a member of an organized volunteer fire-fighting  
9 unit that:

10 (A) renders fire-fighting services without  
11 remuneration; and

12 (B) conducts a minimum of two drills each month,  
13 each at least two hours long.

14 SECTION 6. The change in law made by this Act applies only  
15 to an offense committed on or after September 1, 2005. An offense  
16 committed before September 1, 2005, is covered by the law in effect  
17 when the offense was committed, and the former law is continued in  
18 effect for that purpose. For purposes of this section, an offense  
19 was committed before September 1, 2005, if any element of the  
20 offense was committed before that date.

21 SECTION 7. This Act takes effect September 1, 2005.