

By: Callegari

H.B. No. 27

A BILL TO BE ENTITLED

1

AN ACT

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

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

6 SECTION 1. Section 3.03(b), Penal Code, is amended to read
7 as follows:

8 (b) If the accused is found guilty of more than one offense
9 arising out of the same criminal episode, the sentences may run
10 concurrently or consecutively if each sentence is for a conviction
11 of:

12 (1) an offense:

13 (A) under Section 49.07 or 49.08, regardless of
14 whether the accused is convicted of violation of the same section
15 more than once or is convicted of violations of both sections; or

16 (B) for which a plea agreement was reached in a
17 case in which the accused was charged with more than one offense
18 listed in Paragraph (A), regardless of whether the accused is
19 charged with violation of the same section more than once or is
20 charged with violations of both sections [~~under Section 49.08~~]; or

21 (2) an offense:

22 (A) under Section 21.11, 22.011, 22.021, 25.02,
23 or 43.25 committed against a victim younger than 17 years of age at
24 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.

10 SECTION 2. Section 49.07(c), Penal Code, is amended to read
11 as follows:

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

14 SECTION 3. Section 49.08(b), Penal Code, is amended to read
15 as follows:

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

18 SECTION 4. Section 49.09, Penal Code, is amended by adding
19 Subsection (b-1) to read as follows:

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

1 SECTION 5. (a) The change in law made by this Act applies
2 only to an offense committed on or after September 1, 2005.

3 (b) An offense committed before September 1, 2005, is
4 covered by the law in effect when the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before September 1, 2005, if
7 any element of the offense was committed before that date.

8 SECTION 6. This Act takes effect September 1, 2005.