

By: Smith of Tarrant

H.B. No. 49

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment prescribed for certain repeat
3 intoxication offenders.

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

5 SECTION 1. Section 49.09(d), Penal Code, is amended to read
6 as follows:

7 (d) For the purposes of this section, a conviction for an
8 offense under Article 67011-1, Revised Statutes, as that law
9 existed before September 1, 1994, Article 67011-2, Revised
10 Statutes, as that law existed before January 1, 1984, Section
11 19.05(a)(2), as that law existed before September 1, 1994, or
12 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08 ~~[that~~
13 ~~occurs on or after September 1, 1994,~~] is a final conviction,
14 whether the sentence for the conviction is imposed or probated.

15 SECTION 2. Sections 49.09(e) and (f), Penal Code, are
16 repealed.

17 SECTION 3. The change in law made by this Act applies only
18 to the penalty for an offense under Chapter 49, Penal Code, that is
19 committed on or after the effective date of this Act. The penalty
20 for an offense under Chapter 49, Penal Code, that was committed
21 before the effective date of this Act is covered by the law in
22 effect when the offense was committed, and the former law is
23 continued in effect for that purpose. For purposes of this section,
24 an offense was committed before the effective date of this Act if

1 any element of the offense was committed before that date.

2 SECTION 4. This Act takes effect September 1, 2005.