

By: Zaffirini

S.B. No. 28

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the enhancement of the criminal penalty for certain
3 intoxication offenses.

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 Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07,
9 or 49.08 that occurs on or after September 1, 1994, is a final
10 conviction, whether the sentence for the conviction is imposed or
11 probated.

12 SECTION 2. (a) The change in law made by this Act applies
13 only to an offense committed on or after September 1, 2005, for
14 which the state alleges on the trial of the offense a previous
15 conviction under Section 49.045, Penal Code.

16 (b) An offense described by Subsection (a) of this section
17 committed before September 1, 2005, is covered by the law in effect
18 when the offense was committed, and the former law is continued in
19 effect for that purpose. For purposes of this section, an offense
20 was committed before September 1, 2005, if any element of the
21 offense was committed before that date.

22 SECTION 3. This Act takes effect September 1, 2005.