

BILL ANALYSIS

Senate Research Center

H.B. 1212
By: Pierson et al. (Harris)
Criminal Justice
5/13/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, intoxication assault of a peace officer, a firefighter, or an emergency medical services personnel is a third degree felony and intoxication manslaughter of a peace officer, firefighter, or emergency medical services personnel is a second degree felony.

Public servants, particularly emergency responders such as police officers, firefighters, and emergency medical services personnel work to promote the public's health and safety. Unfortunately, such individuals routinely face threats to their lives and health, including that presented by drunk drivers.

H.B. 1212 increases the penalty for an intoxication assault from a third degree felony to a second degree felony, which imposes a sentence of two to 20 years with a \$10,000 fine. The bill increases the penalty for intoxication manslaughter of a peace officer, firefighter, or emergency medical services personnel from a second degree felony to a first degree felony, which imposes a five-year to 99-year sentence with a fine of \$10,000.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Requires that this Act to be known as the Darren Medlin and Dwayne Freeto Act.

SECTION 2. Amends Section 49.07(c), Penal Code, as follows:

(c) Provides that an offense under this section is a felony of the third degree, except as provided by Section 49.09.

SECTION 3. Amends Section 49.08(b), Penal Code, to make a conforming change.

SECTION 4. Amends Section 49.09, Penal Code, by adding Subsections (b-1), (b-2), and (b-3), as follows:

(b-1) Provides that an offense under Section 49.07 (Intoxication Assault), Penal Code, is a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer, a firefighter, or emergency medical services personnel while in the actual discharge of an official duty.

(b-2) Provides that an offense under Section 49.08 (Intoxication Manslaughter), Penal Code, is a felony of the first degree if it is shown on the trial of the offense that the person caused the death of a person described by Subsection (b-1).

(b-3) Defines "emergency medical services personnel" and "firefighter" for purposes of Subsection (b-1).

SECTION 5. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before September 1, 2007, if any element of the offense was committed before that date.

SECTION 6. Effective date: September 1, 2007.