

BILL ANALYSIS

C.S.H.B. 1212
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas law already places a unique value on the lives of public servants. For example, Texas law provides for enhanced penalties for the assault, aggravated assault, or murder of a peace officer or firefighter. This is because public servants, particularly emergency responders such as police officers, firefighters and emergency medical service personnel, work to protect the public's health and safety. Unfortunately, these public servants routinely face threats to their lives and health, sometimes as a result from drunk drivers. Therefore, increasing the penalty for intoxication assault and intoxication manslaughter of a peace officer, firefighter, or emergency medical service personnel would be consistent with the enhanced penalties already provided in other areas of statutory law.

C.S.H.B. 1212 enhances the penalties for the intoxication assault and intoxication manslaughter of an on duty peace officer, firefighter or emergency medical service personnel. The bill increases the penalty for an intoxication assault of one of these persons from a third degree felony sentence to a second degree felony sentence. C.S.H.B. 1212 increases the penalty for an intoxication manslaughter of an on duty peace officer, firefighter or emergency medical service personnel from a second degree felony sentence to a first degree felony.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1212 names the Act the Darren Medlin and Dwayne Freeto Act. C.S.H.B. 1212 amends the Penal Code by enhancing the penalty from a third degree felony to a second degree felony for the offense of intoxication assault if serious bodily injury occurs to a peace officer, firefighter or emergency medical service personnel while the peace officer, firefighter or emergency medical service personnel is in the actual discharge of an official duty. C.S.H.B. 1212 also amends the Penal Code by enhancing the penalty from a second degree felony to a first degree felony for the offense of intoxication manslaughter if the offense resulted in the death of a peace officer, firefighter or emergency medical service personnel while the peace officer, firefighter or emergency medical service personnel is in the actual discharge of an official duty. The bill defines "firefighter" and also refers to the definition of an "emergency medical service personnel" assigned by Section 773.003 of the Health and Safety Code. The changes made by this Act applies only to an offense committed on or after the effective date of this Act.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 1212 adds "emergency medical service personnel" to the list of individuals for which offenses of intoxication assault and intoxication manslaughter would result in the enhanced penalties applicable by this Act. It also refers to the Health and Safety Code for the definition of an "emergency medical service personnel."

C.S.H.B. 1212 80(R)