

By: Pierson, Pena, Truitt, Veasey, et al.

H.B. No. 1212

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. This Act shall be known as the Darren Medlin and
7 Dwayne Freeto Act.

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

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

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

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

16 SECTION 4. Section 49.09, Penal Code, is amended by adding
17 Subsections (b-1), (b-2), and (b-3) to read as follows:

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

23 (b-2) An offense under Section 49.08 is a felony of the
24 first degree if it is shown on the trial of the offense that the

1 person caused the death of a person described by Subsection (b-1).

2 (b-3) For the purposes of Subsection (b-1):

3 (1) "Emergency medical services personnel" has the
4 meaning assigned by Section 773.003, Health and Safety Code.

5 (2) "Firefighter" means:

6 (A) an individual employed by this state or by a
7 political or legal subdivision of this state who is subject to
8 certification by the Texas Commission on Fire Protection; or

9 (B) a member of an organized volunteer
10 fire-fighting unit that:

11 (i) renders fire-fighting services without
12 remuneration; and

13 (ii) conducts a minimum of two drills each
14 month, each at least two hours long.

15 SECTION 5. The change in law made by this Act applies only
16 to an offense committed on or after September 1, 2007. An offense
17 committed before September 1, 2007, 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, 2007, if any element of the
21 offense was committed before that date.

22 SECTION 6. This Act takes effect September 1, 2007.