

By: Pierson, Pena, et al.

H.B. No. 1212

Substitute the following for H.B. No. 1212:

By: Vaught

C.S.H.B. No. 1212

A BILL TO BE ENTITLED

AN ACT

1
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 Subsection (b-1) 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, firefighter
21 or emergency medical service personnel while the peace officer,
22 firefighter or emergency medical service personnel was in the
23 actual discharge of an official duty. An offense under Section
24 49.08 is a felony of the first degree if it is shown on the trial of

1 the offense that the person caused the death of a peace officer,
2 firefighter or emergency medical service personnel while the peace
3 officer, firefighter or emergency medical service personnel was in
4 the actual discharge of an official duty. In this subsection,
5 "firefighter" means:

6 (1) 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 (2) a member of an organized volunteer fire-fighting
10 unit that:

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

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

15 In this subsection, "emergency medical service personnel" has the
16 meaning assigned by Section 773.003 of the Health and Safety Code.

17 SECTION 5. The change in law made by this Act applies only
18 to an offense committed on or after September 1, 2007. An offense
19 committed before September 1, 2007, is covered by the law in effect
20 when the offense was committed, and the former law is continued in
21 effect for that purpose. For purposes of this section, an offense
22 was committed before September 1, 2007, if any element of the
23 offense was committed before that date.

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