

By: Pierson

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 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 or  
21 firefighter while the peace officer or firefighter was in the  
22 actual discharge of an official duty. An offense under Section  
23 49.08 is a felony of the first degree if it is shown on the trial of  
24 the offense that the person caused the death of a peace officer or

1 firefighter while the peace officer or firefighter was in the  
2 actual discharge of an official duty. In this subsection,  
3 "firefighter" means:

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

7 (2) a member of an organized volunteer fire-fighting  
8 unit that:

9 (A) renders fire-fighting services without  
10 remuneration; and

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

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

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