

1-1 By: Pierson, et al. (Senate Sponsor - Harris) H.B. No. 1212
1-2 (In the Senate - Received from the House March 28, 2007;
1-3 April 3, 2007, read first time and referred to Committee on
1-4 Criminal Justice; May 16, 2007, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 16, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the penalties for intoxication assault and intoxication
1-9 manslaughter and to the sentencing of defendants convicted of those
1-10 offenses.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. This Act shall be known as the Darren Medlin and
1-13 Dwayne Freeto Act.

1-14 SECTION 2. Section 49.07(c), Penal Code, is amended to read
1-15 as follows:

1-16 (c) Except as provided by Section 49.09, an [An] offense
1-17 under this section is a felony of the third degree.

1-18 SECTION 3. Section 49.08(b), Penal Code, is amended to read
1-19 as follows:

1-20 (b) Except as provided by Section 49.09, an [An] offense
1-21 under this section is a felony of the second degree.

1-22 SECTION 4. Section 49.09, Penal Code, is amended by adding
1-23 Subsections (b-1), (b-2), and (b-3) to read as follows:

1-24 (b-1) An offense under Section 49.07 is a felony of the
1-25 second degree if it is shown on the trial of the offense that the
1-26 person caused serious bodily injury to a peace officer, a
1-27 firefighter, or emergency medical services personnel while in the
1-28 actual discharge of an official duty.

1-29 (b-2) An offense under Section 49.08 is a felony of the
1-30 first degree if it is shown on the trial of the offense that the
1-31 person caused the death of a person described by Subsection (b-1).

1-32 (b-3) For the purposes of Subsection (b-1):

1-33 (1) "Emergency medical services personnel" has the
1-34 meaning assigned by Section 773.003, Health and Safety Code.

1-35 (2) "Firefighter" means:

1-36 (A) an individual employed by this state or by a
1-37 political or legal subdivision of this state who is subject to
1-38 certification by the Texas Commission on Fire Protection; or

1-39 (B) a member of an organized volunteer
1-40 fire-fighting unit that:

1-41 (i) renders fire-fighting services without
1-42 remuneration; and

1-43 (ii) conducts a minimum of two drills each
1-44 month, each at least two hours long.

1-45 SECTION 5. The change in law made by this Act applies only
1-46 to an offense committed on or after September 1, 2007. An offense
1-47 committed before September 1, 2007, is covered by the law in effect
1-48 when the offense was committed, and the former law is continued in
1-49 effect for that purpose. For purposes of this section, an offense
1-50 was committed before September 1, 2007, if any element of the
1-51 offense was committed before that date.

1-52 SECTION 6. This Act takes effect September 1, 2007.

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