

BILL ANALYSIS

H.B. 1983
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Nearly half of the driving fatalities in Texas occur in alcohol-related accidents. Tragically, Texas is one of the worst states for alcohol-related vehicular deaths. A recent study suggested that at best only one in 88 driving while intoxicated events lead to an arrest, so Texas must increase enforcement of driving while intoxicated-related laws in any way possible.

H.B. 1983 creates a new offense for the most egregious drunk drivers. People with twice the legal blood alcohol content will face enhanced penalties for their reckless driving. Also, a person driving a commercial vehicle with a 0.02 blood alcohol content would be subject to harsher penalties than those under current law.

H.B. 1983 creates the offense of aggravated driving while intoxicated and enhances penalties for certain alcohol-related offenses.

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

H.B. 1983 amends the Penal Code to create the offense of aggravated driving while intoxicated for a person who is intoxicated while operating a motor vehicle in a public place and who has an alcohol concentration of 0.16 or more or who has an alcohol concentration of 0.02 or more and is operating a commercial motor vehicle. The bill prescribes that an offense of aggravated driving while intoxicated is a Class A misdemeanor, punishable by a minimum term of confinement of 30 days.

H.B. 1983 enhances the penalty for repeat offenders of certain intoxication offenses to a third degree felony if it is shown on the trial of the offense that the person has previously been convicted one time of aggravated driving while intoxicated, or a substantially similar offense under the laws of another state.

H.B. 1983 enhances the penalty of an aggravated driving while intoxicated offense to a third degree felony if it is shown on the trial of the offense that the person has previously been convicted one time of an offense of intoxication manslaughter or a substantially similar offense under the laws of another state, or one time of an offense relating to the operating of a motor vehicle while intoxicated, operating an aircraft while intoxicated, operating a watercraft while intoxicated, or operating or assembling an amusement ride while intoxicated.

EFFECTIVE DATE

September 1, 2009.