

By: Truitt

H.B. No. 2757

A BILL TO BE ENTITLED

AN ACT

relating to elements of offenses under or violations of the Alcoholic Beverage Code.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.04, Alcoholic Beverage Code, is amended by adding Subdivision (26) to read as follows:

(26) "Intoxicated" has the meaning assigned by Section 49.01, Penal Code.

SECTION 2. Section 1.08, Alcoholic Beverage Code, as added by Chapter 437 (S.B. 55), Acts of the 73rd Legislature, Regular Session, 1993, is amended to read as follows:

Sec. 1.08. CULPABLE MENTAL STATE [~~CRIMINAL NEGLIGENCE DEFINED~~]. (a) A culpable mental state is not required to establish an offense under this code or a violation of this code or a commission rule unless the code or rule specifically requires proof of a culpable mental state.

(b) If an offense under [~~For purposes of~~] this code or a violation of this code or a commission rule includes a culpable [~~a person acts with criminal negligence if the person acts with a~~] mental state as an element of the offense or violation, the definitions of culpable mental states under Section 6.03 [~~that would constitute criminal negligence under Chapter 6~~], Penal Code, apply [~~if the act were an offense~~].

SECTION 3. Section 1.08, Alcoholic Beverage Code, as added

1 by Chapter 934 (H.B. 1445), Acts of the 73rd Legislature, Regular
2 Session, 1993, is repealed.

3 SECTION 4. The changes in law made by this Act apply only to
4 an offense committed on or after the effective date of this Act. An
5 offense committed before the effective date of this Act is governed
6 by the law in effect when the offense was committed, and the former
7 law is continued in effect for that purpose. For purposes of this
8 section, an offense was committed before the effective date of this
9 Act if any element of the offense was committed before that date.

10 SECTION 5. This Act takes effect September 1, 2009.