

## **BILL ANALYSIS**

Senate Research Center  
82R274 JSC-D

H.B. 1199  
By: Gallego (Davis)  
Criminal Justice  
5/19/2011  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a person who commits a driving while intoxicated offense and causes serious bodily injury to another individual can be charged with intoxication assault, which is a third degree felony, with certain exceptions. Serious bodily injury is defined as an injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ. Currently, there is no distinction between a driving while intoxicated offense that causes serious bodily injury and such an offense that leaves a person in a persistent vegetative state.

H.B. 1199 seeks to address this issue by creating a penalty for an intoxication assault if the commission of the offense leaves a person in a persistent vegetative state.

H.B. 1199 amends current law relating to the penalty for certain intoxication assaults.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 49.09, Penal Code, by adding Subsection (b-4), to provide that an offense under Section 49.07 (Intoxication Assault) is a felony of the second degree if it is shown on the trial of the offense that the person caused serious bodily injury to another in the nature of a traumatic brain injury that results in a persistent vegetative state.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2011.