

BILL ANALYSIS

H.B. 1199
By: Gallego
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

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 enhancing the penalty for an intoxication assault if the commission of the offense leaves a person in a persistent vegetative state.

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. 1199 amends the Penal Code to enhance the penalty for intoxication assault from a third degree felony to a second degree felony 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.

EFFECTIVE DATE

September 1, 2011.