

AN ACT

relating to the penalty for certain intoxication offenses.

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

SECTION 1. This Act shall be known as the Abdallah Khader Act.

SECTION 2. Section 49.04, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsections [~~Subsection~~] (c) and (d) and Section 49.09, an offense under this section is a Class B misdemeanor, with a minimum term of confinement of 72 hours.

(d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a Class A misdemeanor.

SECTION 3. Section 49.09, Penal Code, is amended by adding Subsection (b-4) to read as follows:

(b-4) An offense under Section 49.07 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 4. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.  
2 An offense committed before the effective date of this Act is  
3 covered by the law in effect when the offense was committed, and the  
4 former law is continued in effect for that purpose. For purposes of  
5 this section, an offense was committed before the effective date of  
6 this Act if any element of the offense occurred before that date.

7 SECTION 5. This Act takes effect September 1, 2011.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1199 was passed by the House on May 3, 2011, by the following vote: Yeas 140, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1199 on May 27, 2011, by the following vote: Yeas 141, Nays 2, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1199 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor