

1-1 By: Gallego (Senate Sponsor - Davis) H.B. No. 1199
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 24, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 0;
1-6 May 24, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1199 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the penalty for certain intoxication offenses.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Section 49.04, Penal Code, is amended by
1-13 amending Subsection (b) and adding Subsection (d) to read as
1-14 follows:
1-15 (b) Except as provided by Subsections [Subsection] (c) and
1-16 (d) and Section 49.09, an offense under this section is a Class B
1-17 misdemeanor, with a minimum term of confinement of 72 hours.
1-18 (d) If it is shown on the trial of an offense under this
1-19 section that an analysis of a specimen of the person's blood,
1-20 breath, or urine showed an alcohol concentration level of 0.15 or
1-21 more at the time the analysis was performed, the offense is a Class
1-22 A misdemeanor.
1-23 SECTION 2. Section 49.09, Penal Code, is amended by adding
1-24 Subsection (b-4) to read as follows:
1-25 (b-4) An offense under Section 49.07 is a felony of the
1-26 second degree if it is shown on the trial of the offense that the
1-27 person caused serious bodily injury to another in the nature of a
1-28 traumatic brain injury that results in a persistent vegetative
1-29 state.
1-30 SECTION 3. The change in law made by this Act applies only
1-31 to an offense committed on or after the effective date of this Act.
1-32 An offense committed before the effective date of this Act is
1-33 covered by the law in effect when the offense was committed, and the
1-34 former law is continued in effect for that purpose. For purposes of
1-35 this section, an offense was committed before the effective date of
1-36 this Act if any element of the offense occurred before that date.
1-37 SECTION 4. This Act takes effect September 1, 2011.

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