

1-1 By: Patrick S.B. No. 838
1-2 (In the Senate - Filed February 22, 2011; March 1, 2011,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 18, 2011, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 18, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the penalty for driving while intoxicated.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Section 49.04, Penal Code, is amended by
1-11 amending Subsection (b) and adding Subsection (d) to read as
1-12 follows:

1-13 (b) Except as provided by Subsections [~~Subsection~~] (c) and
1-14 (d) and Section 49.09, an offense under this section is a Class B
1-15 misdemeanor, with a minimum term of confinement of 72 hours.

1-16 (d) If it is shown on the trial of an offense under this
1-17 section that an analysis of a specimen of the person's blood,
1-18 breath, or urine showed an alcohol concentration level of 0.15 or
1-19 more at the time the analysis was performed, the offense is a Class
1-20 A misdemeanor.

1-21 SECTION 2. The change in law made by this Act applies only
1-22 to an offense committed on or after the effective date of this Act.
1-23 An offense committed before the effective date of this Act is
1-24 governed by the law in effect when the offense was committed, and
1-25 the former law is continued in effect for that purpose. For
1-26 purposes of this section, an offense was committed before the
1-27 effective date of this Act if any element of the offense was
1-28 committed before that date.

1-29 SECTION 3. This Act takes effect September 1, 2011.

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