

BILL ANALYSIS

H.B. 153
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current Penal Code provisions relating to weapons offenses define "intoxicated" as substantial impairment of mental or physical capacity resulting from introduction of any substance into the body. Additionally, these provisions make it an offense for a person to sell a firearm or ammunition to an intoxicated person and for a concealed handgun license holder to carry a handgun, regardless of whether it is concealed, while intoxicated. Other Penal Code provisions relating to intoxication and alcoholic beverage offenses define "intoxicated" in a different and more specific manner.

Interested parties note that aligning the definition of "intoxicated" used in provisions relating to carrying a concealed handgun with the definition used in provisions relating to intoxication offenses would be clearer for individuals affected by these laws, specifically concealed handgun license holders and peace officers. H.B. 153 seeks to clarify this situation by providing for a more uniform application of the term "intoxicated" as defined within the Penal Code.

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. 153 amends the Penal Code to remove the definition of "intoxicated," meaning substantial impairment of mental or physical capacity resulting from introduction of any substance into the body, from statutory provisions applicable only to an offense involving the unlawful transfer of certain weapons. The bill instead defines "intoxicated," by reference, for purposes of all weapons-related offenses to mean not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body or having an alcohol concentration of 0.08 or more.

EFFECTIVE DATE

September 1, 2013.