

BILL ANALYSIS

C.S.H.B. 192
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Observers note that the penalty for certain intoxication offenses, including driving while intoxicated, is subject to enhancement if the person has previously been convicted of such an offense. C.S.H.B. 192 seeks to limit the prior convictions that may be considered for purposes of penalty enhancement for such offenses.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 192 amends the Penal Code to prohibit the use of a conviction of certain intoxication offenses for purposes of enhancing the penalty for such an offense if the conviction was for driving while intoxicated, driving while intoxicated with a child passenger, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated that was committed more than 10 years before the date on which the offense for which the person is being tried was committed.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 192 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 49.09, Penal Code, is amended by adding Subsection (i) to read as follows:

(i) A conviction may not be used for purposes of enhancement under this section

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 49.09, Penal Code, is amended by adding Subsection (i) to read as follows:

(i) A conviction may not be used for purposes of enhancement under this section

if the person has not been convicted of an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08 or any offense relating to the operating of a motor vehicle while intoxicated committed within 10 years of the date on which the offense for which the person is being tried was committed.

SECTION 2. The change in law made by this Act applies to an offense committed on or after the effective date of this Act and to any criminal action pending on the effective date of this Act for an offense committed before that effective date. A final conviction for an offense punished under Section 49.09, Penal Code, that exists on the effective date of this Act is unaffected by this Act.

SECTION 3. This Act takes effect September 1, 2015.

if the conviction was for an offense under Section 49.04, 49.045, 49.05, 49.06, or 49.065 that was committed more than 10 years before the date on which the offense for which the person is being tried was committed.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.