

By: Wray

H.B. No. 1245

A BILL TO BE ENTITLED

AN ACT

relating to changing the eligibility of inmates convicted of certain intoxication offenses for release on parole or mandatory supervision and to a biennial study regarding prevention of intoxication offenses.

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

SECTION 1. Subtitle B, Title 4, Government Code, is amended by adding Chapter 424 to read as follows:

CHAPTER 424. PREVENTION OF INTOXICATION OFFENSES

Sec. 424.001. DEFINITIONS. In this chapter:

(1) "Intoxication offense" means an offense under Section 49.04, 49.045, 49.05, 49.06, 49.065, 49.07, or 49.08, Penal Code.

(2) "Offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09(c), Penal Code.

Sec. 424.002. STUDIES. (a) The office of the governor shall conduct a biennial study on intoxication offenses in this state that monitors and analyzes:

(1) the efficacy of restrictions on eligibility for release on parole or to mandatory supervision for persons convicted of certain intoxication offenses in deterring or preventing future intoxication offenses, including the provisions of Sections 508.145(d)(1) and 508.149(a);

1 (2) data collected in this state on offenses relating
2 to the operating of a motor vehicle while intoxicated, including:

3 (A) motor vehicle accident fatalities involving
4 intoxicated drivers;

5 (B) automatic driver's license suspensions by
6 the Department of Public Safety for convictions of an offense
7 relating to the operating of a motor vehicle while intoxicated; and

8 (C) the number of intoxication offenses
9 resulting in a sentence of 25 years or more;

10 (3) the laws and programs of other states that have
11 been successful in reducing the occurrence of offenses relating to
12 the operating of a motor vehicle while intoxicated, including
13 sentencing of intoxication offenses; and

14 (4) the impact on public safety of:

15 (A) repeat and habitual offenders; and

16 (B) intoxication offenses causing serious bodily
17 injury or death.

18 (b) Based on the studies conducted under Subsection (a), the
19 office of the governor shall collaborate with the Texas Department
20 of Transportation, the Department of Public Safety, and the
21 Department of State Health Services to reduce alcoholism and
22 recidivism and the number of driving while intoxicated offenses
23 committed in this state, including repeat and habitual offenses and
24 offenses causing serious bodily injury or death.

25 (c) Not later than January 1 of each odd-numbered year, the
26 office of the governor shall submit a report to the legislature
27 that:

1 (1) describes the total number of sentences imposed of
2 25 years or more for an intoxication offense;

3 (2) describes the success of state laws and programs
4 in reducing the occurrence of offenses relating to the operating of
5 a motor vehicle while intoxicated;

6 (3) analyzes the efficacy of restrictions on
7 eligibility for release on parole or to mandatory supervision for
8 persons convicted of certain intoxication offenses in deterring or
9 preventing future intoxication offenses; and

10 (4) recommends legislation relating to the prevention
11 of intoxication offenses in this state, including repeat and
12 habitual offenses and offenses causing serious bodily injury or
13 death.

14 SECTION 2. Section 508.145(d)(1), Government Code, is
15 amended to read as follows:

16 (1) An inmate serving a sentence for an offense
17 described by Section 3g(a)(1)(A), (C), (D), (E), (F), (G), (H),
18 (I), (J), (K), (L), (M), or (N), Article 42.12, Code of Criminal
19 Procedure, an offense for which the judgment contains an
20 affirmative finding under Section 3g(a)(2) of that article, an
21 offense under Section 20A.03, Penal Code, or an offense under
22 Section 71.02 or 71.023, Penal Code, or serving a sentence of 25
23 years or more for an offense under Chapter 49, Penal Code, is not
24 eligible for release on parole until the inmate's actual calendar
25 time served, without consideration of good conduct time, equals
26 one-half of the sentence or 30 calendar years, whichever is less,
27 but in no event is the inmate eligible for release on parole in less

1 than two calendar years.

2 SECTION 3. Section 508.149(a), Government Code, is amended
3 to read as follows:

4 (a) An inmate may not be released to mandatory supervision
5 if the inmate is serving a sentence for or has been previously
6 convicted of:

7 (1) an offense for which the judgment contains an
8 affirmative finding under Section 3g(a)(2), Article 42.12, Code of
9 Criminal Procedure;

10 (2) a first degree felony or a second degree felony
11 under Section 19.02, Penal Code;

12 (3) a capital felony under Section 19.03, Penal Code;

13 (4) a first degree felony or a second degree felony
14 under Section 20.04, Penal Code;

15 (5) an offense under Section 21.11, Penal Code;

16 (6) a felony under Section 22.011, Penal Code;

17 (7) a first degree felony or a second degree felony
18 under Section 22.02, Penal Code;

19 (8) a first degree felony under Section 22.021, Penal
20 Code;

21 (9) a first degree felony under Section 22.04, Penal
22 Code;

23 (10) a first degree felony under Section 28.02, Penal
24 Code;

25 (11) a second degree felony under Section 29.02, Penal
26 Code;

27 (12) a first degree felony under Section 29.03, Penal

1 Code;

2 (13) a first degree felony under Section 30.02, Penal
3 Code;

4 (14) a felony for which the punishment is increased
5 under Section 481.134 or Section 481.140, Health and Safety Code;

6 (15) an offense under Section 43.25, Penal Code;

7 (16) an offense under Section 21.02, Penal Code;

8 (17) a first degree felony under Section 15.03, Penal
9 Code;

10 (18) an offense under Section 43.05, Penal Code;

11 (19) an offense under Section 20A.02, Penal Code;

12 (20) an offense under Section 20A.03, Penal Code; [~~or~~]

13 (21) a first degree felony under Section 71.02 or
14 71.023, Penal Code; or

15 (22) an offense under Chapter 49, Penal Code, for
16 which the inmate received a sentence of 25 years or more.

17 SECTION 4. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 5. This Act takes effect September 1, 2015.