

By: Spitzer

H.B. No. 3743

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to increasing the punishment for an offense involving the  
3 operation of a motor vehicle while intoxicated in which the actor  
4 causes bodily injury to another.

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

6 SECTION 1. Section 49.04, Penal Code, is amended by  
7 amending Subsection (b) and adding Subsection (e) to read as  
8 follows:

9 (b) Except as provided by Subsections (c), ~~[and]~~ (d), and  
10 (e), and Section 49.09, an offense under this section is a Class B  
11 misdemeanor, with a minimum term of confinement of 72 hours.

12 (e) If it is shown on the trial of an offense under this  
13 section that the person caused bodily injury to another as a result  
14 of operating a motor vehicle while intoxicated, the offense is a  
15 Class A misdemeanor.

16 SECTION 2. Section 49.09, Penal Code, is amended by  
17 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
18 read as follows:

19 (a) Except as provided by Subsection (a-1), (a-2), or (b),  
20 an offense under Section 49.04, 49.05, 49.06, or 49.065 is a Class A  
21 misdemeanor, with a minimum term of confinement of 30 days, if it is  
22 shown on the trial of the offense that the person has previously  
23 been convicted one time of an offense relating to the operating of a  
24 motor vehicle while intoxicated, an offense of operating an

1 aircraft while intoxicated, an offense of operating a watercraft  
2 while intoxicated, or an offense of operating or assembling an  
3 amusement ride while intoxicated.

4 (a-1) Except as provided by Subsection (a-2) or (b), an  
5 offense under Section 49.04 is a Class A misdemeanor, with a minimum  
6 term of confinement of 180 days, if it is shown on the trial of the  
7 offense that the person:

8 (1) caused bodily injury to another as a result of  
9 operating a motor vehicle while intoxicated; and

10 (2) has previously been convicted of an offense under  
11 Section 49.04 punishable under Subsection (e) of that section.

12 (a-2) Except as provided by Subsection (b), an offense under  
13 Section 49.04 punishable under Subsection (e) of that section is a  
14 state jail felony if it is shown on the trial of the offense that the  
15 person caused bodily injury to a peace officer, a firefighter, or  
16 emergency medical services personnel while in the actual discharge  
17 of an official duty.

18 SECTION 3. The change in law made by this Act applies only  
19 to an offense committed on or after the effective date of this Act.  
20 An offense committed before the effective date of this Act is  
21 governed by the law in effect on the date the offense was committed,  
22 and the former law is continued in effect for that purpose. For  
23 purposes of this section, an offense was committed before the  
24 effective date of this Act if any element of the offense occurred  
25 before that date.

26 SECTION 4. This Act takes effect September 1, 2015.