

By: Metcalf

H.B. No. 1327

A BILL TO BE ENTITLED

1 AN ACT
2 relating to enhancing the penalty for intoxication assault and
3 intoxication manslaughter in certain circumstances.

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

5 SECTION 1. Sections 49.09(b-1), (b-2), and (b-3), Penal
6 Code, are amended to read as follows:

7 (b-1) An offense under Section 49.07 is a felony of the
8 second degree if it is shown on the trial of the offense that the
9 person:

10 (1) caused serious bodily injury to:

11 (A) a peace officer, a firefighter, or emergency
12 medical services personnel while in the actual discharge of an
13 official duty;

14 (B) another in the nature of a traumatic brain
15 injury that results in a persistent vegetative state;

16 (C) more than one person during the same criminal
17 transaction; or

18 (D) a person who is younger than 17 years of age;

19 (2) failed to stop, render aid, or provide information
20 in violation of Section 550.021 or 550.023, Transportation Code;

21 (3) was operating a motor vehicle:

22 (A) without a valid driver's license appropriate
23 for the class of vehicle being operated in violation of Section
24 521.021, 521.025, 521.457, 522.011, or 601.371, Transportation

1 Code; or

2 (B) without evidence of financial responsibility
3 in violation of Subchapter G, Chapter 601, Transportation Code;

4 (4) failed to stop for, fled from, or evaded a pursuing
5 law enforcement officer in violation of Section 38.04 of this code
6 or Section 545.421, Transportation Code; or

7 (5) had previously been convicted one or more times of
8 an offense relating to the operating of a motor vehicle while
9 intoxicated, operating an aircraft while intoxicated, operating a
10 watercraft while intoxicated, or operating or assembling an
11 amusement ride while intoxicated.

12 (b-2) An offense under Section 49.08 is a felony of the
13 first degree if it is shown on the trial of the offense that the
14 person:

15 (1) caused the death of:

16 (A) a peace officer, a firefighter, or emergency
17 medical services personnel while in the actual discharge of an
18 official duty;

19 (B) more than one person during the same criminal
20 transaction; or

21 (C) a person who is younger than 17 years of age;

22 (2) failed to stop, render aid, or provide information
23 in violation of Section 550.021 or 550.023, Transportation Code;

24 (3) was operating a motor vehicle:

25 (A) without a valid driver's license appropriate
26 for the class of vehicle being operated in violation of Section
27 521.021, 521.025, 521.457, 522.011, or 601.371, Transportation

1 Code; or

2 (B) without evidence of financial responsibility
3 in violation of Subchapter G, Chapter 601, Transportation Code;

4 (4) failed to stop for, fled from, or evaded a pursuing
5 law enforcement officer in violation of Section 38.04 of this code
6 or Section 545.421, Transportation Code; or

7 (5) had previously been convicted one or more times of
8 an offense relating to the operating of a motor vehicle while
9 intoxicated, operating an aircraft while intoxicated, operating a
10 watercraft while intoxicated, or operating or assembling an
11 amusement ride while intoxicated [~~person described by Subsection~~
12 ~~(b-1)~~].

13 (b-3) For the purposes of Subsections [~~Subsection~~] (b-1)
14 and (b-2):

15 (1) "Emergency medical services personnel" has the
16 meaning assigned by Section 773.003, Health and Safety Code.

17 (2) "Firefighter" means:

18 (A) an individual employed by this state or by a
19 political or legal subdivision of this state who is subject to
20 certification by the Texas Commission on Fire Protection; or

21 (B) a member of an organized volunteer
22 fire-fighting unit that:

23 (i) renders fire-fighting services without
24 remuneration; and

25 (ii) conducts a minimum of two drills each
26 month, each at least two hours long.

27 SECTION 2. Section 49.09(b-4), Penal Code, is repealed.

1 SECTION 3. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense occurred
8 before that date.

9 SECTION 4. This Act takes effect September 1, 2017.