

A BILL TO BE ENTITLED

AN ACT

relating to enhancing the penalty for intoxication assault and intoxication manslaughter in certain circumstances.

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

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

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

(1) caused serious bodily injury to:

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

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

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

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

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

(3) was operating a motor vehicle:

(A) without a valid driver's license appropriate for the class of vehicle being operated in violation of Section 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.