

By: Guillen

H.B. No. 1086

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for intoxication assault and intoxication manslaughter.

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

SECTION 1. Section 49.07(c), Penal Code, is amended to read as follows:

(c) Except as provided by Section 49.09, an offense under this section is a felony of the second [~~third~~] degree.

SECTION 2. Section 49.08(b), Penal Code, is amended to read as follows:

(b) An [~~Except as provided by Section 49.09, an~~] offense under this section is a felony of the first [~~second~~] degree.

SECTION 3. Sections 49.09(b-1) and (b-4), Penal Code, are amended to read as follows:

(b-1) An offense under Section 49.07 is[+  
[~~(1)~~] a felony of the first [~~second~~] degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer, judge, firefighter, or emergency medical services personnel while in the actual discharge of an official duty[~~, or~~

[~~(2) a felony of the first degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer or judge while the officer or judge was in the actual discharge of an official duty~~].

1           (b-4) An offense under Section 49.07 is a felony of the  
2 first [~~second~~] degree if it is shown on the trial of the offense  
3 that the person caused serious bodily injury to another in the  
4 nature of a traumatic brain injury that results in a persistent  
5 vegetative state.

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 Section 49.09(b-2), Penal Code, is repealed.

7           SECTION 5. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense was  
14 committed before that date.

15           SECTION 6. This Act takes effect September 1, 2019.