

By: Bell of Kaufman

H.B. No. 4106

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution and punishment of the offense of intoxication assault.

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

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

Sec. 49.07. INTOXICATION ASSAULT. (a) A person commits an offense if the person, by accident or mistake:

(1) while operating an aircraft, watercraft, or amusement ride while intoxicated, or while operating a motor vehicle in a public place while intoxicated, by reason of that intoxication causes bodily injury or serious bodily injury to another; or

(2) as a result of assembling a mobile amusement ride while intoxicated causes bodily injury or serious bodily injury to another.

(b) In this section, "serious bodily injury" means bodily injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(c) Except as provided by Section 49.09, an offense under this section is:

(1) a state jail felony if the actor causes bodily injury to another; or

1 (2) a felony of the third degree if the actor causes
2 serious bodily injury to another.

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

10 SECTION 3. This Act takes effect September 1, 2019.