

Amend CSHB 9 (house committee printing) as follows:

(1) On page 1, strike lines 15 and 16 and substitute the following:

SECTION 2. Section 42.03, Penal Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(2) On page 2, between lines 3 and 4, insert the following:

(d) At the punishment stage of a trial in which the attorney representing the state seeks the increase in punishment provided by Subsection (c)(1), the defendant may raise the issue as to whether, at the time of the offense, a viable and readily apparent route around the obstruction caused by the defendant was available to the operator of the emergency vehicle, and using that route would not have caused significant delay. If the defendant proves the issue in the affirmative by a preponderance of the evidence, the increase in punishment provided by Subsection (c)(1) does not apply.