

BILL ANALYSIS

C.S.H.B. 93
By: Swanson
Corrections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

On September 2, 2022, 28-year-old Keith Brazier sped intoxicated through a red light at the intersection of Ave. O and 41st St. in Galveston, where he barreled into a Jeep carrying 14-year-old Mason Nelson and Samuel Mixon. Nelson was pronounced dead at the scene, and Mixon passed away two weeks later in the hospital. Brazier had three previous DWI convictions and had been released on parole for his third drunk driving offense only hours before the fatal crash, yet he did not serve even a year of his three-year sentence. Unfortunately, despite the various efforts of the legislature to keep drunk drivers from threatening the safety of Texas citizens, some offenders with multiple convictions, such as Brazier, have been released from jail before completing even half of their sentence. Therefore, a mechanism that restricts judicial discretion must be in place to ensure that appropriate penalties are served and criminals face the consequences for their actions. C.S.H.B. 93 creates a "Three Strikes and You're Out" policy for drunk driving and operation of other forms of motorized vehicles by making such a repeat offender ineligible for community supervision and, as a result of Section 508.145 (d)(1) and (2), Government Code, ineligible for parole until they have served at least one-half of their prison sentence or 30 calendar years, whichever is less, without consideration of good conduct time, but never eligible for release on parole in less than two calendar years.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 93 amends the Code of Criminal Procedure to make a defendant adjudged guilty of certain intoxication offenses ineligible for judge-ordered community supervision if it is shown that the defendant has been previously convicted two or more times of one of the following offenses or any combination of these offenses:

- driving while intoxicated;
- driving while intoxicated with a child passenger;
- flying while intoxicated;
- boating while intoxicated;
- assembling or operating an amusement park ride while intoxicated;

- intoxication assault; and
- intoxication manslaughter.

By virtue of this ineligibility, per Government Code provisions relating to eligibility for release on parole and the computation of the parole eligibility date, an inmate serving a sentence under those circumstances is not eligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event is the inmate eligible for release on parole in less than two calendar years.

C.S.H.B. 93 amends the Health and Safety Code to make conforming changes.

C.S.H.B. 93 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 93 differs from the introduced only by amending the caption.