

BILL ANALYSIS

H.B. 1742
By: Leach
Corrections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Intoxication manslaughter is a second degree felony, which carries a sentence of two to 20 years imprisonment and up to a \$10,000 fine. However, in some tragic instances, when there is a loss of life as a result of driving while intoxicated, even though second degree felonies carry longer prison sentences, the offender is sentenced to very little, if any, prison time. For example, if a judge is granting community supervision for the offense, then only a 120-day term of confinement is required. H.B. 1742 seeks to establish a five-year mandatory minimum term of imprisonment for intoxication manslaughter offenses while allowing for a judge's discretion to reduce the sentence in certain cases if the judge finds it is in the best interest of the community and the public would not be harmed by the reduction and enters that finding on the record.

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

H.B. 1742 amends the Penal Code to increase the mandatory minimum term of imprisonment for the offense of intoxication manslaughter from two years, as provided generally for second degree felonies, to five years.

H.B. 1742 amends the Code of Criminal Procedure to change the term of imprisonment required as a condition of community supervision for a defendant convicted of intoxication manslaughter from a term of confinement of not less than 120 days to a term of imprisonment in the Texas Department of Criminal Justice of not less than five years. However, the bill authorizes a judge granting community supervision to such a defendant to reduce the required minimum term of imprisonment to a minimum term of not less than two years if the judge makes a finding that the best interest of the community would be served and the public would not be harmed by the reduction and enters that finding on the record.

H.B. 1742 amends the Government Code to make an inmate serving a sentence for intoxication manslaughter ineligible for release on parole until their actual calendar time served, without consideration of good conduct time, equals five years. The bill also prohibits such an inmate from being released to mandatory supervision unless that five-year criterion is met and they are otherwise eligible for release.

H.B. 1742 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.