

Amend HB 2017 (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill, amending Section 49.09(b-2), Penal Code (page 1, line 22), strike "Section 49.09(b-2), Penal Code, is" and substitute "Sections 49.09(a) and (b-2), Penal Code, are".

(2) In SECTION 2 of the bill, amending Section 49.09, Penal Code (page 1, between lines 23 and 24), immediately following the recital to that section, insert the following:

(a) Except as provided by Subsection (b), [~~an offense under Section 49.04, 49.05, 49.06, or 49.065 is a Class A misdemeanor, with a minimum term of confinement of 30 days,~~] if it is shown on the trial of the offense that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated:

(1) an offense under Section 49.05, 49.06, or 49.065 is a Class A misdemeanor with a minimum term of confinement of 30 days; and

(2) an offense under Section 49.04 is a state jail felony.

(3) Add the following appropriately numbered SECTION to the bill and renumber the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Sections 49.04(c) and (d), Penal Code, are amended to read as follows:

(c) If it is shown on the trial of an offense under this section that at the time of the offense the person operating the motor vehicle had an open container of alcohol in the person's immediate possession, the offense is a Class A [~~B~~] misdemeanor, with a minimum term of confinement of six days.

(d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a state jail felony [~~Class A misdemeanor~~].