

BILL ANALYSIS

S.B. 745
By: Kolkhorst
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, the criminal offense of intoxication manslaughter is classified as a felony of the second degree, punishable by a fine of up to \$10,000 and 2 to 20 years imprisonment. The bill sponsor has informed the committee that a defendant charged with multiple counts of intoxication manslaughter who pleads guilty still only faces the maximum penalty for a single count of the offense. The bill sponsor has further informed the committee that if a defendant pleads not guilty and the case advances to trial, even if the jury finds the defendant guilty and recommends the maximum sentence in each case, the judge has the sole discretion to stack sentences. In response to these issues, S.B. 745 seeks to provide justice to the victims of intoxication manslaughter by creating an additional sentencing option for prosecutors charging defendants who cause the death of more than one individual.

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

S.B. 745 amends the Penal Code to enhance the penalty for intoxication manslaughter from a second degree felony to a first degree felony if it is shown on the trial of the offense that the actor caused the death of more than one person during the same criminal transaction.

S.B. 745 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.

EFFECTIVE DATE

September 1, 2025.