

BILL ANALYSIS

S.B. 826
By: Parker
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Driving while intoxicated (DWI) poses a significant danger to all road users, but the risk is even more severe in school zones, where children, parents, and school staff are particularly vulnerable. The bill sponsor has informed the committee that school zones are meant to be areas where students can safely walk, bike, and be dropped off or picked up without heightened traffic threats, including threats posed by impaired drivers. The bill sponsor has also informed the committee that, despite existing DWI laws, there is an additional need to use enhanced penalties for offenses committed in school zones in order to further deter reckless behavior and reinforce the importance of protecting children. S.B. 826 enhances the penalty for a DWI that occurs in a school zone to a state jail felony.

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. 826 amends the Penal Code to increase from a Class B misdemeanor with a minimum term of confinement of 72 hours to a state jail felony the penalty for driving while intoxicated if it is shown on the trial of the offense that at the time of the offense the person was operating the motor vehicle in a school crossing zone, defined by reference to Transportation Code provisions relating to traffic areas, during the time the reduced speed limit applies to the zone.

S.B. 826 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 was committed before that date.

EFFECTIVE DATE

September 1, 2025.