

By: Reynolds

H.B. No. 3193

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for intoxication assault and intoxication manslaughter; changing eligibility for mandatory supervision, parole, and community supervision; increasing criminal penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 42A, Code of Criminal Procedure, is amended by adding Article 42A.060 to read as follows:

Art. 42A.060. PLACEMENT ON COMMUNITY SUPERVISION PROHIBITED FOR CERTAIN INTOXICATION MANSLAUGHTER OFFENSES. Notwithstanding any other provision of this chapter, a defendant is not eligible for community supervision under this chapter if the defendant is convicted of an offense under Section 49.08, Penal Code, for which the punishment was increased under Section 49.09(b-2)(2), Penal Code.

SECTION 2. Section 508.145(a), Government Code, is amended to read as follows:

(a) An inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for any of the following offenses under the Penal Code:

(1) Section 20A.03, if the offense is based partly or wholly on conduct constituting an offense under Section 20A.02(a)(5), (6), (7), or (8);

1 (2) Section 21.02;

2 (3) Section 22.021, if the offense is punishable under
3 Subsection (f) of that section;

4 (3-a) Section 49.08, if the offense was punished under
5 Section 49.09(b-2)(2); or

6 (4) Section 51.03 or 51.04.

7 SECTION 3. Section 508.149(a), Government Code, is amended
8 to read as follows:

9 (a) An inmate may not be released to mandatory supervision
10 if the inmate is serving a sentence for or has been previously
11 convicted of:

12 (1) an offense for which the judgment contains an
13 affirmative finding under Article 42A.054(c) or (d), Code of
14 Criminal Procedure;

15 (2) a first degree felony or a second degree felony
16 under Section 19.02, Penal Code;

17 (3) a capital felony under Section 19.03, Penal Code;

18 (4) a first degree felony or a second degree felony
19 under Section 20.04, Penal Code;

20 (5) an offense under Section 21.11, Penal Code;

21 (6) a felony under Section 22.011, Penal Code;

22 (7) a first degree felony or a second degree felony
23 under Section 22.02, Penal Code;

24 (8) a first degree felony under Section 22.021, Penal
25 Code;

26 (9) a first degree felony under Section 22.04, Penal
27 Code;

- 1 (10) a first degree felony under Section 28.02, Penal
2 Code;
- 3 (11) a second degree felony under Section 29.02, Penal
4 Code;
- 5 (12) a first degree felony under Section 29.03, Penal
6 Code;
- 7 (13) a first degree felony under Section 30.02, Penal
8 Code;
- 9 (14) a felony for which the punishment is increased
10 under Section 481.134 or 481.140, Health and Safety Code;
- 11 (15) an offense under Section 43.25, Penal Code;
- 12 (16) an offense under Section 21.02, Penal Code;
- 13 (17) a first degree felony under Section 15.03, Penal
14 Code;
- 15 (18) an offense under Section 43.05, Penal Code;
- 16 (19) an offense under Section 20A.02, Penal Code;
- 17 (20) an offense under Section 20A.03, Penal Code;
- 18 (21) a first degree felony under Section 71.02 or
19 71.023, Penal Code;
- 20 (22) an offense under Section 481.1123, Health and
21 Safety Code, punished under Subsection (d), (e), or (f) of that
22 section;
- 23 (23) a second degree felony under Section 22.01, Penal
24 Code; ~~or~~
- 25 (24) an offense under Section 22.01, Penal Code,
26 punished under Subsection (b)(2), (7), or (8) of that section; or
- 27 (25) an offense under Section 49.08, Penal Code, for

1 which the punishment was increased under Section 49.09(b-2)(2),
2 Penal Code.

3 SECTION 4. Sections 49.09(b-1) and (b-2), Penal Code, are
4 amended to read as follows:

5 (b-1) An offense under Section 49.07 is:

6 (1) a felony of the second degree if it is shown on the
7 trial of the offense that the person caused serious bodily injury to
8 a child younger than 10 years of age [~~firefighter or emergency~~
9 ~~medical services personnel while in the actual discharge of an~~
10 ~~official duty~~]; or

11 (2) a felony of the first degree if it is shown on the
12 trial of the offense that the person caused serious bodily injury to
13 a firefighter, emergency medical services personnel, peace
14 officer, [or] judge, or prosecutor while the firefighter, emergency
15 medical services personnel, officer, [or] judge, or prosecutor was
16 in the actual discharge of an official duty.

17 (b-2) An offense under Section 49.08 is:

18 (1) a felony of the first degree if it is shown on the
19 trial of the offense that the person:

20 (A) has previously been convicted:

21 (i) one time of an offense under Section
22 49.08 or an offense under the laws of another state if the offense
23 contains elements that are substantially similar to the elements of
24 an offense under Section 49.08; or

25 (ii) two times of any other offense
26 relating to the operating of a motor vehicle while intoxicated,
27 operating an aircraft while intoxicated, operating a watercraft

1 while intoxicated, or operating or assembling an amusement ride
2 while intoxicated; or

3 (B) caused the death of:

4 (i) a child younger than 10 years of age; or

5 (ii) more than one individual during the
6 same criminal transaction; or

7 (2) a felony of the first degree with a minimum term of
8 confinement of 15 years if it is shown on the trial of the offense
9 that the person caused the death of a person described by Subsection
10 (b-1)(2) [~~(b-1)~~].

11 SECTION 5. Section 49.09(c), Penal Code, is amended by
12 adding Subdivision (5) to read as follows:

13 (5) "Prosecutor" means a county attorney, district
14 attorney, criminal district attorney, assistant county attorney,
15 assistant district attorney, or assistant criminal district
16 attorney.

17 SECTION 6. The changes in law made by this Act apply only to
18 an offense committed on or after the effective date of this Act. An
19 offense committed before the effective date of this Act is governed
20 by the law in effect on the date the offense was committed, and the
21 former law is continued in effect for that purpose. For purposes of
22 this section, an offense was committed before the effective date of
23 this Act if any element of the offense occurred before that date.

24 SECTION 7. This Act takes effect September 1, 2025.