

By: Curry

H.B. No. 4940

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for certain intoxication offenses.

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

SECTION 1. Chapter 49, Penal Code, is amended by adding Section 49.015 to read as follows:

Sec. 49.015. DEFENSE TO OFFENSE INVOLVING INTOXICATION. In the prosecution of an offense under this chapter where it is alleged that an analysis of a specimen of a person's blood, breath, or urine showed an alcohol concentration of 0.08 or more, it is a defense to prosecution that, after the time of the conduct charged, but before the time the analysis was performed, the person introduced alcohol into the person's body, which raised the alcohol concentration to the concentration detected by the analysis.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2025.