

By: Middleton

S.B. No. 476

A BILL TO BE ENTITLED

AN ACT

relating to enhancing the criminal penalty for the offense of intoxication manslaughter in certain circumstances.

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

SECTION 1. Section 49.09(b-2), Penal Code, is amended to read as follows:

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

(1) a felony of the first degree if it is shown on the trial of the offense that the person caused the death of a person described by Subsection (b-1);

(2) a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life if:

(A) the actor committed the offense when younger than 18 years of age; and

(B) it is shown on the trial of the offense that:

(i) the actor was restricted to the operation of a motor vehicle equipped with an ignition interlock device under Article 17.441, Code of Criminal Procedure, Article 42A.408, Code of Criminal Procedure, Section 521.246, Transportation Code, or Subsection (h) of this section; and

(ii) during the commission of the offense the actor, in violation of the order restricting the actor to the operation of a motor vehicle equipped with an ignition interlock

1 device, operated a motor vehicle not equipped with the device or a
2 motor vehicle equipped with a device that the individual knew was
3 circumvented or otherwise not functioning; or

4 (3) a felony of the first degree punishable by
5 imprisonment in the Texas Department of Criminal Justice for life
6 without parole if:

7 (A) the actor committed the offense when 18 years
8 of age or older; and

9 (B) it is shown on the trial of the offense that:

10 (i) the actor was restricted to the
11 operation of a motor vehicle equipped with an ignition interlock
12 device under Article 17.441, Code of Criminal Procedure, Article
13 42A.408, Code of Criminal Procedure, Section 521.246,
14 Transportation Code, or Subsection (h) of this section; and

15 (ii) during the commission of the offense
16 the actor, in violation of the order restricting the actor to the
17 operation of a motor vehicle equipped with an ignition interlock
18 device, operated a motor vehicle not equipped with the device or a
19 motor vehicle equipped with a device that the individual knew was
20 circumvented or otherwise not functioning.

21 SECTION 2. Section 49.09(c), Penal Code, is amended by
22 adding Subdivision (5) to read as follows:

23 (5) "Ignition interlock device" has the meaning
24 assigned by Article 42A.408, Code of Criminal Procedure.

25 SECTION 3. The changes in law made by this Act apply only to
26 an offense committed on or after the effective date of this Act. An
27 offense committed before the effective date of this Act is governed

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1 by the law in effect on the date the offense was committed, and the
2 former law is continued in effect for that purpose. For purposes of
3 this section, an offense was committed before the effective date of
4 this Act if any element of the offense occurred before that date.

5 SECTION 4. This Act takes effect September 1, 2025.