

SENATE AMENDMENTS
2nd Printing

By: Gerdes, Schatzline, Leo Wilson, Pierson, H.B. No. 2017
et al.

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty and changing the
eligibility for community supervision, mandatory supervision, and
parole for certain persons convicted of intoxication manslaughter.

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

SECTION 1. This Act may be cited as Grayson's Law.

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

(b-2) An offense under Section 49.08 is a felony of the
first degree if it is shown on the trial of the offense that the
person:

(1) caused the death of a person described by
Subsection (b-1); or

(2) has previously been convicted of an offense
relating to the operating of a motor vehicle while intoxicated,
operating an aircraft while intoxicated, operating a watercraft
while intoxicated, or operating or assembling an amusement ride
while intoxicated, and at the time of the commission of the instant
offense was in violation of Chapter 51.

SECTION 3. Article 42A.059, Code of Criminal Procedure, is
amended to read as follows:

Art. 42A.059. PLACEMENT ON COMMUNITY SUPERVISION
PROHIBITED FOR CERTAIN OFFENSES INVOLVING ILLEGAL ENTRY INTO THIS
STATE. Notwithstanding any other provision of this chapter, a

1 defendant is not eligible for community supervision, including
2 deferred adjudication community supervision, under this chapter if
3 the defendant is charged with or convicted of an offense under:

4 (1) Chapter 51, Penal Code; or

5 (2) Section 49.08, Penal Code, if the offense is
6 punishable under Section 49.09(b-2)(2), Penal Code.

7 SECTION 4. Section 508.145, Government Code, is amended by
8 adding Subsection (e-1) to read as follows:

9 (e-1) An inmate serving a sentence for an offense punishable
10 under Section 49.09(b-2)(2), Penal Code, is not eligible for
11 release on parole until the actual calendar time served, without
12 consideration of good conduct time, equals 10 years.

13 SECTION 5. Section 508.147, Government Code, is amended by
14 amending Subsection (a) and adding Subsection (a-1) to read as
15 follows:

16 (a) Except as provided by Subsection (a-1) and Section
17 508.149, a parole panel shall order the release of an inmate who is
18 not on parole to mandatory supervision when the actual calendar
19 time the inmate has served plus any accrued good conduct time equals
20 the term to which the inmate was sentenced.

21 (a-1) An inmate serving a sentence for an offense punishable
22 under Section 49.09(b-2)(2), Penal Code, may not be released to
23 mandatory supervision unless:

24 (1) the inmate's actual calendar time served, without
25 consideration of good conduct time, equals at least 10 years; and

26 (2) the inmate is otherwise eligible for release under
27 Subsection (a).

1 SECTION 6. The changes in law made by this Act apply only to
2 an offense committed on or after the effective date of this Act. An
3 offense committed before the effective date of this Act is governed
4 by the law in effect on the date the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense occurred before that date.

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

ADOPTED

MAY 26 2025

Latey Law
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *Phil King*

Amend H.B. No. 2017 (senate committee report) as follows:

(1) In the recital to SECTION 2 of the bill, amending Section 49.09(b-2), Penal Code (page 1, line 22), strike "Section 49.09(b-2), Penal Code, is" and substitute "Sections 49.09(a) and (b-2), Penal Code, are".

(2) In SECTION 2 of the bill, amending Section 49.09, Penal Code (page 1, between lines 23 and 24), immediately following the recital to that section, insert the following:

(a) Except as provided by Subsection (b), ~~[an offense under Section 49.04, 49.05, 49.06, or 49.065 is a Class A misdemeanor, with a minimum term of confinement of 30 days,]~~ if it is shown on the trial of the offense that the person has previously been convicted one time of an offense relating to the operating of a motor vehicle while intoxicated, an offense of operating an aircraft while intoxicated, an offense of operating a watercraft while intoxicated, or an offense of operating or assembling an amusement ride while intoxicated:

(1) an offense under Section 49.05, 49.06, or 49.065 is a Class A misdemeanor with a minimum term of confinement of 30 days; and

(2) an offense under Section 49.04 is a state jail felony.

(3) Add the following appropriately numbered SECTION to the bill and renumber the SECTIONS of the bill accordingly:

SECTION __. Sections 49.04(c) and (d), Penal Code, are

1 amended to read as follows:

2 (c) If it is shown on the trial of an offense under this
3 section that at the time of the offense the person operating the
4 motor vehicle had an open container of alcohol in the person's
5 immediate possession, the offense is a Class A [~~B~~] misdemeanor,
6 with a minimum term of confinement of six days.

7 (d) If it is shown on the trial of an offense under this
8 section that an analysis of a specimen of the person's blood,
9 breath, or urine showed an alcohol concentration level of 0.15 or
10 more at the time the analysis was performed, the offense is a state
11 jail felony [~~Class A misdemeanor~~].

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 27, 2025

TO: Honorable Dustin Burrows, Speaker of the House, House of Representatives

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: **HB2017** by Gerdes (Relating to increasing the criminal penalty and changing the eligibility for community supervision, mandatory supervision, and parole for certain persons convicted of intoxication manslaughter.), **As Passed 2nd House**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2017, As Passed 2nd House: a negative impact of (\$12,684,504) through the biennium ending August 31, 2027.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2026	(\$928,653)
2027	(\$11,755,851)
2028	(\$34,928,467)
2029	(\$59,385,314)
2030	(\$59,772,941)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>
2026	(\$928,653)
2027	(\$11,755,851)
2028	(\$34,928,467)
2029	(\$59,385,314)
2030	(\$59,772,941)

Fiscal Analysis

The bill would increase the penalty for intoxication manslaughter to a first degree felony for persons who have been previously convicted of an offense related to operating certain vehicles while intoxicated, or assembling or operating an amusement ride while intoxicated, and who, at the time of the instant offense, were in violation of prohibitions against illegal entry into this state. The bill would remove community supervision as a sentence option for these offenders and would make them ineligible for parole or mandatory supervision until actual calendar time served equaled 10 years.

The bill would increase the penalty for the offense of driving while intoxicated from a Class B misdemeanor to a Class A misdemeanor regardless of whether, at the time of offense, the person operating the motor vehicle immediately possessed an open container of alcohol, and would increase the penalty from a Class A misdemeanor to a state jail felony in cases where certain analysis revealed an alcohol concentration level of 0.15 or more. The bill would increase the punishment for the offense of driving while intoxicated for persons previously convicted one time of operating certain vehicles while intoxicated, or of assembling or operating an amusement ride while intoxicated, from a Class A misdemeanor to a state jail felony.

Methodology

Of individuals sentenced in fiscal year 2024 for intoxication and alcoholic beverage state jail felony offenses, approximately 25 percent were admitted into state jail or prison, with the remaining 75 percent receiving placement onto felony community supervision. Among individuals receiving placement onto felony community supervision, approximately 4 percent were admitted into a Substance Abuse Felony Punishment (SAFP) facility as a condition of community supervision. These proportions inform the allocation in this analysis of individuals who, under the bill's provisions, would be sentenced at the state jail felony level rather than as Class A misdemeanants.

The fiscal impact is primarily a result of the increased admission of individuals into state jail, prison, and SAFP facilities. Based on the January 2025 Biennial Report on Adult Criminal Justice Populations, the uniform costs per day for adults admitted to state jail, prison, or a SAFP facility were \$77.68, \$86.50, and \$85.04, respectively. The estimated impact on adult correctional populations would follow population trends observed in fiscal year 2024, including placements on supervision, admissions to prison, average time between offense and admission, and average length of supervision or stay.

Local Government Impact

While the fiscal impact to units of local government cannot be determined, it is assumed that increased penalties will result in greater demands on local correctional resources and facilities due to courts placing defendants on longer terms of community supervision.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304 Comptroller of Public Accounts

LBB Staff: JMc, MGol, AMr, DGI

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

May 22, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2017 by Gerdes (Relating to increasing the criminal penalty and changing the eligibility for community supervision, mandatory supervision, and parole for certain persons convicted of intoxication manslaughter.), **As Engrossed**

<p>No significant fiscal implication to the State is anticipated.</p>
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The bill would increase the penalty for intoxication manslaughter to a first degree felony for persons who have been previously convicted of an offense related to operating a vehicle or other machinery while intoxicated, and at the time of the offense, were in violation of the chapter of the Penal Code related to illegal entry into this state. The bill would also remove community supervision as a sentence option for these offenders and establish certain eligibility rules for parole.

It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 697 Board of Pardons and Paroles

LBB Staff: JMc, MGol, DGI

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 89TH LEGISLATIVE REGULAR SESSION

March 25, 2025

TO: Honorable Sam Harless, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2017 by Gerdes (Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision, mandatory supervision, and parole for certain persons convicted of intoxication manslaughter.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would set a minimum 10 year term of imprisonment for persons convicted of intoxication manslaughter who are shown at trial to have been present in this country at the time of that offense in violation of the offense of illegal entry into this state. The bill would also remove community supervision as a sentence option for these offenders.

It is assumed that any fiscal impact and any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Local Government Impact

It is assumed that any fiscal impact to units of local government associated with enforcement, prosecution, supervision, or confinement would not be significant.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 697 Board of Pardons and Paroles

LBB Staff: JMc, MGol, DGI

LEGISLATIVE BUDGET BOARD
Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

89TH LEGISLATIVE REGULAR SESSION

May 22, 2025

TO: Honorable Pete Flores, Chair, Senate Committee on Criminal Justice

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2017 by Gerdes (Relating to increasing the criminal penalty and changing the eligibility for community supervision, mandatory supervision, and parole for certain persons convicted of intoxication manslaughter.), **As Engrossed**

The bill would increase the penalty for intoxication manslaughter to a first degree felony for persons who have been previously convicted of an offense related to operating a vehicle or other machinery while intoxicated, and at the time of the offense, were in violation of the chapter of the Penal Code related to illegal entry into this state. The bill would also remove community supervision as a sentence option for these offenders and establish certain eligibility rules for parole.

Increasing the penalty for an existing offense and removing supervision options may result in additional demands upon state correctional resources due to a possible increase in the number of individuals confined and in the length of stay for individuals sentenced to a term of confinement.

In fiscal year 2024, there were 241 arrests, 1 referral, 35 placements onto community supervision, 138 individuals admitted to an adult correctional facility, and no juveniles admitted to a juvenile state correctional facility for the offense of intoxication manslaughter. It is unknown whether any of these offenses were committed by actors also found to have committed the offense of illegal entry into this state.

It is assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Source

Agencies:

LBB Staff: JMc, MGol, DGI, AMr

LEGISLATIVE BUDGET BOARD

Austin, Texas

CRIMINAL JUSTICE IMPACT STATEMENT

89TH LEGISLATIVE REGULAR SESSION

April 1, 2025

TO: Honorable Sam Harless, Chair, House Committee on Corrections

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB2017 by Gerdes (Relating to increasing the minimum term of imprisonment and changing the eligibility for community supervision, mandatory supervision, and parole for certain persons convicted of intoxication manslaughter.), **As Introduced**

The bill would set a minimum 10 year term of imprisonment for persons convicted of intoxication manslaughter who are shown at trial to have been present in this country at the time of that offense in violation of the offense of illegal entry into this state. The bill would also remove community supervision as a sentence option for these offenders.

Increasing the penalty for an existing offense and removing supervision options may result in additional demands upon state correctional resources due to a possible increase in the number of individuals confined and in the length of stay for individuals sentenced to a term of confinement.

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It is assumed that any impact on state correctional populations or on the demand for state correctional resources would not be significant.

Source

Agencies:

LBB Staff: JMc, MGol, AMr, DGI