

House Bill 2017
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Sections 49.09(a) and (b-2), Penal Code, are amended to read as follows: [FA1(1)]

~~(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.~~ [FA1(2)]

(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.

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No equivalent provision.

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

(1) Chapter 51, Penal Code; or

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

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

SENATE VERSION (IE)

SECTION __. Sections 49.04(c) and (d), Penal Code, are amended to read as follows:

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

(d) If it is shown on the trial of an offense under this section that an analysis of a specimen of the person's blood, breath, or urine showed an alcohol concentration level of 0.15 or more at the time the analysis was performed, the offense is a state jail felony [~~Class A misdemeanor~~]. [FA1(3)]

SECTION 3. Same as House version.

SECTION 4. Same as House version.

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

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

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

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

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

and

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

SECTION 6. The changes in law made by this Act apply 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

SECTION 5. Same as House version.

SECTION 6. Same as House version.

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of the offense occurred before that date.

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

SECTION 7. Same as House version.