

BILL ANALYSIS

H.B. 2089
By: White
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties call for efforts to relieve the financial burden of confining certain offenders for less severe intoxication-related offenses felt by both offenders and the state. H.B. 2089 seeks to address this issue by restructuring punishments and community supervision conditions for certain intoxication-related offenses.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2089 amends the Code of Criminal Procedure to condition the prohibition against a judge granting deferred adjudication community supervision to a defendant charged with an offense of driving while intoxicated, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated on the defendant holding a commercial driver's license or a commercial learner's permit at the time of the offense. The bill requires a judge granting adjudication community supervision to a defendant for such an offense to require the defendant as a condition of community supervision to have an ignition interlock device installed on the motor vehicle owned or most regularly driven by the defendant and that the defendant not operate any motor vehicle that is not equipped with that device. The bill makes this requirement applicable regardless of whether the defendant would be required to have an ignition interlock installed on conviction of the offense for which deferred adjudication community supervision is granted. The bill includes among the offenses for which a judge may not grant deferred adjudication community supervision an offense for which punishment may be increased under statutory provisions relating to enhanced offenses and penalties for certain intoxication and alcoholic beverage offenses.

H.B. 2089 amends the Government Code to include a defendant who was placed on deferred adjudication community supervision for an offense of driving while intoxicated, flying while intoxicated, boating while intoxicated, or assembling or operating an amusement ride while intoxicated among the persons who may not be granted an order of nondisclosure of criminal history record information and who are not entitled to petition the court for such an order.

H.B. 2089 amends the Penal Code to include driving while intoxicated with a child passenger among the intoxication offenses whose penalty is enhanced from a state jail felony to a third

degree felony if it is shown on the trial of the offense that the person has previously been convicted one time of an intoxication manslaughter offense or a substantially similar offense under another state's laws, or two times of any other offense relating to operating a motor vehicle, aircraft, or watercraft while intoxicated or operating or assembling an amusement ride while intoxicated. The bill establishes that a person is considered to have been convicted of specified intoxication offenses, for purposes of statutory provisions relating to enhanced offenses and penalties for certain intoxication and alcoholic beverage offenses, if the person was placed on deferred adjudication community supervision for the offense.

EFFECTIVE DATE

September 1, 2017.