

BILL ANALYSIS

H.B. 2327
By: Frullo
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, operating a watercraft while intoxicated is a Class B misdemeanor. However, concerns have been raised regarding this conduct that involves young passengers onboard the watercraft. It has been suggested that the current conduct constituting the offense, which doesn't include any context regarding passengers, is too lenient in situations in which young passengers are onboard the watercraft. There have been calls to align this conduct with that of driving while intoxicated with a child passenger, which is punishable as a state jail felony. H.B. 2327 seeks to address this issue by enhancing the penalty for boating while intoxicated with a child passenger younger than 15 years of age to a state jail felony.

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. 2327 amends the Penal Code to enhance the penalty for boating while intoxicated from a Class B misdemeanor to a state jail felony if it is shown on the trial of the offense that at the time of the offense the watercraft being operated by the actor was occupied by a passenger younger than 15 years of age.

H.B. 2327 amends the Code of Criminal Procedure to make a defendant charged with such a state jail felony offense ineligible for deferred adjudication community supervision.

EFFECTIVE DATE

September 1, 2021.