

- SUBJECT:** Definition of intoxicated for purposes of certain weapons offenses.
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 7 ayes — Herrero, Carter, Canales, Leach, Moody, Schaefer, Toth
0 nays
2 absent — Burnam, Hughes
- WITNESSES:** For — Alice Tripp, Texas State Rifle Association; (*Registered, but did not testify*: Lon Craft and Heath Wester, Texas Municipal Police Association; Justin Wood, Harris County District Attorney’s Office)

Against — None
- BACKGROUND:** Penal Code, ch. 46 provides for weapons offenses. Sec. 46.06 provides for the offense of unlawful transfer of certain weapons. Under this section, “intoxicated” means a substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

Penal Code, sec. 49.01 defines “intoxicated” as:
- not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body; or
 - having an alcohol concentration per deciliter of blood of 0.08 or greater.
- DIGEST:** HB 153 would remove the current definition of intoxicated from Penal Code, sec. 46.06 and would apply the sec. 49.01 definition of intoxicated to all ch. 46 offenses.

The bill would take effect September 1, 2013, and would apply only to an offense committed on or after that date.