

**SUBJECT:** Increasing the penalty for illegal operation of a watercraft in certain cases

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 9 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Murr, Vasut

0 nays

**WITNESSES:** For — (*Registered, but did not testify*; Eric Carcerano, Chambers County District Attorney's Office; M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; Frederick Frazier, Dallas Police Association/FOP716 State FOP; Linda Nuno, Democratic Party; David Sinclair, Game Warden Peace Officers Association; John Wilkerson, Texas Municipal Police Association; Julie Renken, Washington County District Attorney's Office; Aldo Caldo; Deana Johnston)

Against — (*Registered, but did not testify*: Shea Place, Texas Criminal Defense Lawyers Association)

On — (*Registered, but did not testify*: Bryan Baronet, Texas Parks and Wildlife)

**BACKGROUND:** Penal Code sec. 49.06 makes it an offense for a person to operate a watercraft while intoxicated. With certain exceptions, the offense is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000) with a minimum term of confinement of 72 hours.

Concerns have been raised that the current criminal penalty for operating a watercraft while intoxicated is too lenient for situations that involve child passengers.

**DIGEST:** HB 2327 would amend Penal Code sec. 49.06 to establish that if it was shown on the trial of offense under that section that at the time of the offense the watercraft was occupied by a passenger who was younger than 15 years old, the offense would be a state-jail felony (180 days to two

years in a state jail and an optional fine of up to \$10,000). Such an offense would not be eligible for deferred adjudication community supervision.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.