

BILL ANALYSIS

Senate Research Center

H.B. 2250
By: Smith (Moncrief)
Criminal Justice
5/6/2001
Engrossed

DIGEST AND PURPOSE

Under current Texas law, in order to be charged with the offense of felony driving, flying, boating, or assembling or operating an amusement ride while intoxicated a person must have received two prior convictions for offenses relating to the operating of a motor vehicle, aircraft, watercraft, or assembling or operating an amusement ride, while intoxicated. H.B. 2250 provides that if a person has caused the death of another individual by driving, flying, boating, or assembling or operating an amusement ride while intoxicated, the person's next related offense is a felony and not a second misdemeanor.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 49.09(a) and (b), Penal Code, to provide that, 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. Provides that an offense under Section 49.04, 49.05, 49.06, or 49.065 is a felony of the third degree if it is shown on the trial of the offense that the person has previously been convicted of a certain number of certain offenses under certain conditions.

SECTION 2. Amends Section 49.09, Penal Code, by amending Subsections (e) and (f) and adding Subsections (g) and (h), as follows:

(e) Adds exceptions as provided by Subsections (f) and (g).

(f) Authorizes a conviction to be used for the purposes of enhancement under this section regardless of when the conviction occurred if the conviction was for an offense under certain provisions.

(g) Authorizes a conviction, if the offense for which the person is being tried is an offense under Section 49.04, 49.05, 49.06, or 49.065, to be used for purposes of enhancement under this section only if the conviction was a final conviction under Subsection (d) and the offense for which the person is being tried was committed within 10 years of the latest of certain calculated dates.

(h) Reletters existing text of Subsection (f) as Subsection (h).

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.