

BILL ANALYSIS

Senate Research Center

H.B. 1840
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Transportation & Homeland Security
4/21/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the punishment for failure to perform the duties required by Section 550.023 (Duty to Give Information and Render Aid), Transportation Code, is confinement in a county jail for up to one year or confinement in the penitentiary for up to five years and/or a fine up to \$10,000. The charge of intoxication manslaughter is a second degree felony punishable by a prison sentence of two to 20 years and/or a fine of up to \$10,000. The difference between the two punishments may provide a de facto incentive for intoxicated motorists to flee the scene of an accident rather than giving information, rendering aid, and potentially facing the charge of intoxication manslaughter.

H.B. 1840 increases the penalty for failing to perform the duties required by Section 550.023, Transportation Code, in an accident that result in serious bodily injury or death, to a third degree felony.

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. Requires this Act to be known as the Sarah Kathryn Thompson Act.

SECTION 2. Amends Section 550.021(c), Transportation Code, as follows:

(c) Provides that an offense under this section (Accident Involving Personal Injury or Death) that involves an accident resulting in death of or serious bodily injury, as defined by Section 1.07 (Definitions), Penal Code, to a person is a third degree felony. Provides that an offense that involves an accident resulting in injury to which the definition of serious bodily injury does not apply is punishable by imprisonment in the Texas Department of Criminal Justice (TDCJ), rather than imprisonment in the institutional division of TDCJ, for a certain period of time, among other certain punishments. Makes conforming changes.

SECTION 3. Makes application of this Act prospective. Provides that an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

SECTION 4. Effective date: September 1, 2007.