

## **BILL ANALYSIS**

Senate Research Center  
88R8175 CJD-F

S.B. 726  
By: Kolkhorst  
Criminal Justice  
4/14/2023  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, the criminal offense of intoxication manslaughter is classified as a felony of the second degree, punishable by a fine of up to \$10,000 and two to 20 years imprisonment in the Texas Department of Criminal Justice.

Outside of an agreement with the state, if a defendant is charged with multiple counts of intoxication manslaughter and pleads guilty, the sentencing is limited to the maximum offense for a single count of intoxication manslaughter. If a defendant pleads not guilty and the case advances to trial, even if the jury finds the defendant guilty and recommends the maximum sentence in each case, the judge has the sole discretion to stack sentences.

There have been cases in which multiple individuals have been killed by a drunk driver who received a maximum sentence of one count of intoxication manslaughter. In these cases, victims' families have advocated for a change in the current sentencing structure for those charged with multiple counts of intoxication manslaughter.

S.B. 726 provides an additional sentencing option for prosecutors by creating a new first degree felony offense for intoxication manslaughter for defendants who cause the death of more than one individual.

As proposed, S.B. 726 amends current law relating to enhancing the criminal penalty for the offense of intoxication manslaughter in certain circumstances.

### **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 Section 49.09(b-2), Penal Code, to provide that an offense under Section 49.08 (Intoxication Manslaughter) is a felony of the first degree if it is shown on the trial of the offense that the person caused the death of certain persons, including more than one person during the same criminal transaction, and to make nonsubstantive changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2023.