

1-1 By: King S.B. No. 2320  
1-2 (In the Senate - Filed March 11, 2025; March 25, 2025, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 3, 2025, reported favorably by the following vote: Yeas 7,  
1-5 Nays 0; April 3, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7		Yea	Nay	Absent	PNV
1-8	Flores	X			
1-9	Parker	X			
1-10	Hagenbuch	X			
1-11	Hinojosa of Hidalgo	X			
1-12	Huffman	X			
1-13	King	X			
1-14	Miles	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to increasing the criminal punishment for certain driving  
1-18 while intoxicated offenses.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 49.04(b), (c), and (d), Penal Code, are  
1-21 amended to read as follows:

1-22 (b) Except as provided by Subsections (c) and (d) and  
1-23 Section 49.09, an offense under this section is a Class A [B]  
1-24 misdemeanor, with a minimum term of confinement of 72 hours.

1-25 (c) If it is shown on the trial of an offense under this  
1-26 section that at the time of the offense the person operating the  
1-27 motor vehicle had an open container of alcohol in the person's  
1-28 immediate possession, the offense is a Class A [B] misdemeanor,  
1-29 with a minimum term of confinement of six days.

1-30 (d) If it is shown on the trial of an offense under this  
1-31 section that an analysis of a specimen of the person's blood,  
1-32 breath, or urine showed an alcohol concentration level of 0.15 or  
1-33 more at the time the analysis was performed, the offense is a state  
1-34 jail felony ~~[Class A misdemeanor]~~.

1-35 SECTION 2. Section 49.09(a), Penal Code, is amended to read  
1-36 as follows:

1-37 (a) Except as provided by Subsection (b), ~~[an offense under~~  
1-38 ~~Section 49.04, 49.05, 49.06, or 49.065 is a Class A misdemeanor,~~  
1-39 ~~with a minimum term of confinement of 30 days,~~] if it is shown on the  
1-40 trial of the offense that the person has previously been convicted  
1-41 one time of an offense relating to the operating of a motor vehicle  
1-42 while intoxicated, an offense of operating an aircraft while  
1-43 intoxicated, an offense of operating a watercraft while  
1-44 intoxicated, or an offense of operating or assembling an amusement  
1-45 ride while intoxicated:

1-46 (1) an offense under Section 49.05, 49.06, or 49.065  
1-47 is a Class A misdemeanor with a minimum term of confinement of 30  
1-48 days; and

1-49 (2) an offense under Section 49.04 is a state jail  
1-50 felony.

1-51 SECTION 3. The changes in law made by this Act apply only to  
1-52 an offense committed on or after the effective date of this Act. An  
1-53 offense committed before the effective date of this Act is governed  
1-54 by the law in effect on the date the offense was committed, and the  
1-55 former law is continued in effect for that purpose. For purposes of  
1-56 this section, an offense was committed before the effective date of  
1-57 this Act if any element of the offense occurred before that date.

1-58 SECTION 4. This Act takes effect September 1, 2025.

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