

## **BILL ANALYSIS**

Senate Research Center  
86R11774 JRR-D

H.B. 2502  
By: Moody; Wilson (Watson)  
Criminal Justice  
5/6/2019  
Engrossed

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

S.B. 275 (Watson), 83rd Legislature, made the penalty for a deadly hit-and-run offense equal to the penalty for intoxicated manslaughter (second degree felony). The purpose of the bill was to dissuade those driving under the influence from fleeing the scene of an accident where they might have caused a fatality, making the penalties for both offenses the same. S.B. 275 passed unanimously in the Senate and without a single opposing vote in the House (2 PNV).

Although S.B. 275 was able to successfully create equal penalties in statute between fatal hit-and-runs and intoxicated manslaughter offenses, it failed to match the mandatory community supervision (probation) standards set for intoxicated manslaughter to the probationary standards set for deadly hit-and-run offenses. Individuals granted probation for the offense of intoxicated manslaughter must spend at least 120 days in jail.

However, current statute does not set forth the same requirements for individuals granted probation for deadly hit-and-runs.

H.B. 2502 assures the original intent of S.B. 275 is met by removing the inequality and matching the mandatory community supervision requirements of intoxicated manslaughter to fatal hit-and-run offenses, creating parity between the two offenses that already have the same penalties.

Specifically, H.B. 2502 would require that an individual granted probation for a deadly hit-and-run offense serve the same 120 days in jail that one would serve for intoxicated manslaughter—an important piece that was missing from S.B. 275.

H.B. 2502 amends current law relating to a mandatory term of confinement for defendants placed on community supervision for the criminal offense of leaving the scene of a motor vehicle accident resulting in the death of a person.

### **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 Subchapter K, Chapter 42A, Code of Criminal Procedure, by adding Article 42A.515, as follows:

Art. 42A.515. COMMUNITY SUPERVISION FOR LEAVING SCENE OF MOTOR VEHICLE ACCIDENT RESULTING IN DEATH OF PERSON. (a) Requires a judge granting community supervision to a defendant convicted of an offense punishable under Section 550.021(c)(1)(A) (relating to an offense involving an accident resulting in death of a person being a felony of the second degree), Transportation Code, to require as a condition of community supervision that the defendant submit to a term of confinement of not less than 120 days.

(b) Prohibits the term of confinement served under Subsection (a), if a sentence of confinement is imposed on the revocation of community supervision, from being credited toward completion of the sentence imposed.

SECTION 2. Makes application of this Act prospective. Provides that for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.