

## CHAPTER 10

## H.B. No. 51

An Act relating to the term 'intoxicated' as that term is used in defining the offense of driving while intoxicated and in the law governing the taking of specimens of body substances.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subsection (a), Article 67011-1, Revised Statutes, is amended to read as follows:

(a) In this article:

(1) "Alcohol concentration" means:

(A) the number of grams of alcohol per 100 milliliters of blood;

(B) the number of grams of alcohol per 210 liters of breath; or

(C) the number of grams of alcohol per 67 milliliters of urine.

(2) "Intoxicated" means:

(A) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, or a combination of two or more of those substances into the body; or

(B) having an alcohol concentration of 0.10 [~~percent~~] or more.

(3) "Serious bodily injury" means injury that creates a substantial risk of death or that causes serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(4) "Public place" has the meaning assigned by Section 1.07(a)(29), Penal Code.

(5) "Controlled substance" has the meaning assigned by Subdivision (5), Section 1.02, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

(6) "Drug" has the meaning assigned by Subdivision (14), Section 1.02, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

**SECTION 2.** Section 3(j), Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 67011-5, Vernon's Texas Civil Statutes), is amended to read as follows:

(j) In this Act:

(1) "Alcohol concentration" means:

(A) the number of grams of alcohol per 100 milliliters of blood;

(B) the number of grams of alcohol per 210 liters of breath; or

(C) the number of grams of alcohol per 67 milliliters of urine.

(2) "Controlled substance" has the same meaning as is given that term in Section 1.02, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

(3) "Drug" has the same meaning as is given that term in Section 1.02, Texas Controlled Substances Act (Article 4476-15, Vernon's Texas Civil Statutes).

(4) "Intoxicated" means:

(A) not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, or a combination of two or more of those substances into the body; or

(B) having an alcohol concentration of 0.10 [~~percent~~] or more.

(5) "Public beach" has the same meaning as is given that term in the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(6) "Public highway" has the same meaning as is given the term "highway" in the Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes).

(7) "Public place" has the meaning assigned by Subdivision (29), Subsection (a), Section 1.07, Penal Code.

**SECTION 3.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

**CH 10**

**69th LEGIS—REGULAR SESSION**

Passed by the House on February 21, 1985, by the following vote: Yeas 130, Nays 1, 1 present, not voting; passed by the Senate on March 13, 1985, by the following vote: Yeas 30, Nays 0.

Approved: March 28, 1985

Effective: Immediately