

CHAPTER 307

S.B. No. 120

AN ACT

relating to the offense of involuntary manslaughter involving the use of an airplane, helicopter, or boat while intoxicated, and to the definition of the term "intoxicated" for purposes of the prosecution of that offense.

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

SECTION 1. Subsections (a) and (b), Section 19.05, Penal Code, are amended to read as follows:

(a) A person commits an offense if he:

- (1) recklessly causes the death of an individual; or
- (2) by accident or mistake when operating a motor vehicle, *airplane, helicopter, or boat* while intoxicated and, by reason of such intoxication, causes the death of an individual.

(b) For purposes of this section, "*intoxicated*" has the meaning assigned that term by Subsection (a), Article 6701l-1, Revised Statutes [~~"intoxication" means that the actor does not have the normal use of his mental or physical faculties by reason of the voluntary introduction of any substance into his body.~~].

SECTION 2. (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. 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.

Passed the Senate on April 15, 1987, by a viva-voce vote. Passed the House on May 29, 1987, by a non-record vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.