

By: Ellzey

H.B. No. 2135

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to enhancing the criminal penalty for aggravated assault  
3 committed in or on school property or on a passenger transportation  
4 vehicle of a primary or secondary school.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 22.02(b), Penal Code, is amended to read  
7 as follows:

8 (b) An offense under this section is a felony of the second  
9 degree, except that the offense is a felony of the first degree if:

10 (1) the actor uses a deadly weapon during the  
11 commission of the assault and causes serious bodily injury to a  
12 person whose relationship to or association with the defendant is  
13 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

14 (2) regardless of whether the offense is committed  
15 under Subsection (a)(1) or (a)(2), the offense is committed:

16 (A) by a public servant acting under color of the  
17 servant's office or employment;

18 (B) against a person the actor knows is a public  
19 servant while the public servant is lawfully discharging an  
20 official duty, or in retaliation or on account of an exercise of  
21 official power or performance of an official duty as a public  
22 servant;

23 (C) in retaliation against or on account of the  
24 service of another as a witness, prospective witness, informant, or

1 person who has reported the occurrence of a crime; [~~or~~]

2 (D) against a person the actor knows is a  
3 security officer while the officer is performing a duty as a  
4 security officer;

5 (E) in or on any property, including a parking  
6 lot, parking garage, or other parking area, that is owned or leased  
7 by a public or private primary or secondary school; or

8 (F) on a passenger transportation vehicle that  
9 is:

10 (i) owned or operated by a public or private  
11 primary or secondary school or owned or operated by another entity  
12 under contract with a public or private primary or secondary  
13 school; and

14 (ii) being used to transport persons to or  
15 from the school or school-sponsored activities; or

16 (3) the actor is in a motor vehicle, as defined by  
17 Section 501.002, Transportation Code, and:

18 (A) knowingly discharges a firearm at or in the  
19 direction of a habitation, building, or vehicle;

20 (B) is reckless as to whether the habitation,  
21 building, or vehicle is occupied; and

22 (C) in discharging the firearm, causes serious  
23 bodily injury to any person.

24 SECTION 2. The change in law made by this Act applies only  
25 to an offense committed on or after the effective date of this Act.  
26 An offense committed before the effective date of this Act is  
27 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For  
2 purposes of this section, an offense was committed before the  
3 effective date of this Act if any element of the offense occurred  
4 before that date.

5 SECTION 3. This Act takes effect September 1, 2021.