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H.B. No. 2366

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to criminal conduct that endangers law enforcement;  
3 creating a criminal offense and increasing a criminal penalty.

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

5 SECTION 1. Section 42.13, Penal Code, is amended by  
6 amending Subsection (c) and adding Subsection (d) to read as  
7 follows:

8 (c) An offense under this section is a Class C misdemeanor,  
9 except that the offense is:

10 (1) a felony of the third degree if the conduct causes  
11 bodily injury to the officer; or

12 (2) a felony of the first degree if the conduct causes  
13 serious bodily injury to the officer.

14 (d) If conduct that constitutes an offense under this  
15 section also constitutes an offense under any other law, the actor  
16 may be prosecuted under this section or the other law, but not both.

17 SECTION 2. Title 10, Penal Code, is amended by adding  
18 Chapter 50 to read as follows:

19 CHAPTER 50. FIREWORKS

20 Sec. 50.01. DEFINITIONS. In this chapter:

21 (1) "Consumer firework" and "fireworks" have the  
22 meanings assigned by 49 C.F.R. Section 173.59.

23 (2) "Law enforcement officer" means a person who is a  
24 peace officer under Article 2.12, Code of Criminal Procedure, or a

1 person who is a federal law enforcement officer, as defined by  
2 U.S.C. Section 8331(20).

3 Sec. 50.02. UNLAWFUL USE OF FIREWORKS. (a) A person  
4 commits an offense if the person explodes or ignites fireworks with  
5 the intent to:

6 (1) interfere with the lawful performance of an  
7 official duty by a law enforcement officer; or

8 (2) flee from a person the actor knows is a law  
9 enforcement officer attempting to lawfully arrest or detain the  
10 actor.

11 (b) Except as provided by Subsections (c) and (d), an  
12 offense under this section is a state jail felony.

13 (c) An offense under this section that involves any firework  
14 that is not a consumer firework is a second degree felony.

15 (d) Notwithstanding Subsection (c), an offense under this  
16 section is a felony of the first degree if the offense causes  
17 serious bodily injury to a person the actor knows is a law  
18 enforcement officer while the law enforcement officer is lawfully  
19 discharging an official duty or in retaliation or on account of an  
20 exercise of official power or performance of an official duty as a  
21 law enforcement officer.

22 (e) If conduct constituting an offense under this section  
23 also constitutes an offense under any other law, the actor may be  
24 prosecuted under this section, the other law, or both.

25 SECTION 3. The changes in law made by this Act apply only to  
26 an offense committed on or after the effective date of this Act. An  
27 offense committed before the effective date of this Act is governed

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

5 SECTION 4. This Act takes effect September 1, 2021.