

1-1 By: Buckley, et al. (Senate Sponsor - Hughes) H.B. No. 2366  
1-2 (In the Senate - Received from the House May 3, 2021;  
1-3 May 10, 2021, read first time and referred to Committee on Criminal  
1-4 Justice; May 20, 2021, reported favorably by the following vote:  
1-5 Yeas 5, Nays 2; May 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13		X		
1-14	X			

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to criminal conduct that endangers law enforcement;  
1-18 creating a criminal offense and increasing a criminal penalty.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 42.13, Penal Code, is amended by  
1-21 amending Subsection (c) and adding Subsection (d) to read as  
1-22 follows:

1-23 (c) An offense under this section is a Class C misdemeanor,  
1-24 except that the offense is:

1-25 (1) a felony of the third degree if the conduct causes  
1-26 bodily injury to the officer; or

1-27 (2) a felony of the first degree if the conduct causes  
1-28 serious bodily injury to the officer.

1-29 (d) If conduct that constitutes an offense under this  
1-30 section also constitutes an offense under any other law, the actor  
1-31 may be prosecuted under this section or the other law, but not both.

1-32 SECTION 2. Title 10, Penal Code, is amended by adding  
1-33 Chapter 50 to read as follows:

1-34 CHAPTER 50. FIREWORKS

1-35 Sec. 50.01. DEFINITIONS. In this chapter:

1-36 (1) "Consumer firework" and "fireworks" have the  
1-37 meanings assigned by 49 C.F.R. Section 173.59.

1-38 (2) "Law enforcement officer" means a person who is a  
1-39 peace officer under Article 2.12, Code of Criminal Procedure, or a  
1-40 person who is a federal law enforcement officer, as defined by 5  
1-41 U.S.C. Section 8331(20).

1-42 Sec. 50.02. UNLAWFUL USE OF FIREWORKS. (a) A person  
1-43 commits an offense if the person explodes or ignites fireworks with  
1-44 the intent to:

1-45 (1) interfere with the lawful performance of an  
1-46 official duty by a law enforcement officer; or

1-47 (2) flee from a person the actor knows is a law  
1-48 enforcement officer attempting to lawfully arrest or detain the  
1-49 actor.

1-50 (b) Except as provided by Subsections (c) and (d), an  
1-51 offense under this section is a state jail felony.

1-52 (c) An offense under this section that involves any firework  
1-53 that is not a consumer firework is a second degree felony.

1-54 (d) Notwithstanding Subsection (c), an offense under this  
1-55 section is a felony of the first degree if the offense causes  
1-56 serious bodily injury to a person the actor knows is a law  
1-57 enforcement officer while the law enforcement officer is lawfully  
1-58 discharging an official duty or in retaliation or on account of an  
1-59 exercise of official power or performance of an official duty as a  
1-60 law enforcement officer.

1-61 (e) If conduct constituting an offense under this section

2-1 also constitutes an offense under any other law, the actor may be  
2-2 prosecuted under this section, the other law, or both.

2-3 SECTION 3. The changes in law made by this Act apply only to  
2-4 an offense committed on or after the effective date of this Act. An  
2-5 offense committed before the effective date of this Act is governed  
2-6 by the law in effect when the offense was committed, and the former  
2-7 law is continued in effect for that purpose. For purposes of this  
2-8 section, an offense was committed before the effective date of this  
2-9 Act if any element of the offense occurred before that date.

2-10 SECTION 4. This Act takes effect September 1, 2021.

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