

1-1 By: Slawson, et al. (Senate Sponsor - Birdwell) H.B. No. 28
1-2 (In the Senate - Received from the House April 3, 2023;
1-3 April 5, 2023, read first time and referred to Committee on
1-4 Criminal Justice; May 11, 2023, reported favorably by the
1-5 following vote: Yeas 6, Nays 0; May 11, 2023, 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 enhancing the punishment for certain conduct
1-18 constituting the criminal offense of aggravated assault.

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

1-20 SECTION 1. This Act may be cited as the Todd-Hogland Act.

1-21 SECTION 2. Section 22.02(b), Penal Code, is amended to read
1-22 as follows:

1-23 (b) An offense under this section is a felony of the second
1-24 degree, except that the offense is a felony of the first degree if:

1-25 (1) the actor uses a deadly weapon during the
1-26 commission of the assault and causes:

1-27 (A) serious bodily injury to a person whose
1-28 relationship to or association with the defendant is described by
1-29 Section 71.0021(b), 71.003, or 71.005, Family Code; or

1-30 (B) a traumatic brain or spine injury to another
1-31 that results in a persistent vegetative state or irreversible
1-32 paralysis;

1-33 (2) regardless of whether the offense is committed
1-34 under Subsection (a)(1) or (a)(2), the offense is committed:

1-35 (A) by a public servant acting under color of the
1-36 servant's office or employment;

1-37 (B) against a person the actor knows is a public
1-38 servant while the public servant is lawfully discharging an
1-39 official duty, or in retaliation or on account of an exercise of
1-40 official power or performance of an official duty as a public
1-41 servant;

1-42 (C) in retaliation against or on account of the
1-43 service of another as a witness, prospective witness, informant, or
1-44 person who has reported the occurrence of a crime;

1-45 (D) against a person the actor knows is a process
1-46 server while the person is performing a duty as a process server; or

1-47 (E) against a person the actor knows is a
1-48 security officer while the officer is performing a duty as a
1-49 security officer; or

1-50 (3) the actor is in a motor vehicle, as defined by
1-51 Section 501.002, Transportation Code, and:

1-52 (A) knowingly discharges a firearm at or in the
1-53 direction of a habitation, building, or vehicle;

1-54 (B) is reckless as to whether the habitation,
1-55 building, or vehicle is occupied; and

1-56 (C) in discharging the firearm, causes serious
1-57 bodily injury to any person.

1-58 SECTION 3. The change in law made by this Act applies only
1-59 to an offense committed on or after the effective date of this Act.
1-60 An offense committed before the effective date of this Act is
1-61 governed by the law in effect on the date the offense was committed,

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

2-5 SECTION 4. This Act takes effect September 1, 2023.

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