

By: Plesa, Villalobos, McLaughlin, Leach,
Moody, et al.

H.B. No. 108

Substitute the following for H.B. No. 108:

By: Jones of Harris

C.S.H.B. No. 108

A BILL TO BE ENTITLED

AN ACT

relating to the use of metal or body armor while committing certain
offenses; increasing a criminal penalty.

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

SECTION 1. Article 42.01, Code of Criminal Procedure, is
amended by adding Section 17 to read as follows:

Sec. 17. In addition to the information described by
Section 1, the judgment must reflect the affirmative finding
entered pursuant to Article 42.01992.

SECTION 2. Chapter 42, Code of Criminal Procedure, is
amended by adding Article 42.01992 to read as follows:

Art. 42.01992. FINDING REGARDING USE OF METAL OR BODY
ARMOR. In the trial of an offense under Title 5, Penal Code,
punishable as a felony of the third degree or any higher category of
offense, other than a felony of the first degree, the judge shall
make an affirmative finding of fact and enter the affirmative
finding in the judgment in the case if at the guilt or innocence
phase of the trial, the judge or the jury, whichever is the trier of
fact, determines beyond a reasonable doubt that the defendant used
metal or body armor, as defined by Section 46.041, Penal Code,
during the commission of the offense.

SECTION 3. Subchapter D, Chapter 12, Penal Code, is amended
by adding Section 12.503 to read as follows:

Sec. 12.503. PENALTY IF METAL OR BODY ARMOR USED DURING

1 COMMISSION OF OFFENSE. If an affirmative finding under Article
2 42.01992, Code of Criminal Procedure, is made in the trial of an
3 offense, the punishment for the offense is increased to the
4 punishment prescribed for the next highest category of offense.

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

13 SECTION 5. This Act takes effect September 1, 2025.