

By: Keel, Gallego, Jones of Bexar, Berman,
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H.B. No. 11

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the offense of terroristic threat and to the punishment
3 as a capital offense of murder occurring during the commission or
4 attempted commission of terroristic threat.

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

6 SECTION 1. Section 19.03(a), Penal Code, is amended to read
7 as follows:

8 (a) A person commits an offense if the person [~~he~~] commits
9 murder as defined under Section 19.02(b)(1) and:

10 (1) the person murders a peace officer or fireman who
11 is acting in the lawful discharge of an official duty and who the
12 person knows is a peace officer or fireman;

13 (2) the person intentionally commits the murder in the
14 course of committing or attempting to commit kidnapping, burglary,
15 robbery, aggravated sexual assault, arson, [~~or~~] obstruction or
16 retaliation, or terroristic threat under Section 22.07(a)(1), (3),
17 (4), (5), or (6);

18 (3) the person commits the murder for remuneration or
19 the promise of remuneration or employs another to commit the murder
20 for remuneration or the promise of remuneration;

21 (4) the person commits the murder while escaping or
22 attempting to escape from a penal institution;

23 (5) the person, while incarcerated in a penal
24 institution, murders another:

1 (A) who is employed in the operation of the penal
2 institution; or

3 (B) with the intent to establish, maintain, or
4 participate in a combination or in the profits of a combination;

5 (6) the person:

6 (A) while incarcerated for an offense under this
7 section or Section 19.02, murders another; or

8 (B) while serving a sentence of life imprisonment
9 or a term of 99 years for an offense under Section 20.04, 22.021, or
10 29.03, murders another;

11 (7) the person murders more than one person:

12 (A) during the same criminal transaction; or

13 (B) during different criminal transactions but
14 the murders are committed pursuant to the same scheme or course of
15 conduct; or

16 (8) the person murders an individual under six years
17 of age.

18 SECTION 2. Section 22.07, Penal Code, is amended to read as
19 follows:

20 Sec. 22.07. TERRORISTIC THREAT. (a) A person commits an
21 offense if he threatens to commit any offense involving violence to
22 any person or property with intent to:

23 (1) cause a reaction of any type to his threat by an
24 official or volunteer agency organized to deal with emergencies;

25 (2) place any person in fear of imminent serious
26 bodily injury; ~~or~~

27 (3) prevent or interrupt the occupation or use of a

1 building; room; place of assembly; place to which the public has
2 access; place of employment or occupation; aircraft, automobile, or
3 other form of conveyance; or other public place; [~~or~~]

4 (4) cause impairment or interruption of public
5 communications, public transportation, public water, gas, or power
6 supply or other public service;

7 (5) place the public in fear of serious bodily injury;
8 or

9 (6) influence the conduct or activities of a branch or
10 agency of the federal government, the state, or a political
11 subdivision of the state.

12 (b) An offense under Subdivision (1) or (2) of Subsection
13 (a) is a Class B misdemeanor. An offense under Subdivision (3) of
14 Subsection (a) is a Class A misdemeanor. An offense under
15 Subdivision (4) of Subsection (a) is a felony of the third degree.
16 An offense under Subdivision (5) or (6) of Subsection (a) is a
17 felony of the second degree.

18 SECTION 3. (a) The change in law made by this Act applies
19 only to an offense committed on or after the effective date of this
20 Act. For purposes of this section, an offense is committed before
21 the effective date of this Act if any element of the offense occurs
22 before the effective date.

23 (b) An offense committed before the effective date of this
24 Act is covered by the law in effect when the offense was committed,
25 and the former law is continued in effect for that purpose.

26 SECTION 4. This Act takes effect September 1, 2003.