

1-1 By: Keel, et al. (Senate Sponsor - Shapiro) H.B. No. 11
1-2 (In the Senate - Received from the House April 2, 2003;
1-3 April 7, 2003, read first time and referred to Committee on
1-4 Infrastructure Development and Security; May 12, 2003, reported
1-5 adversely, with favorable Committee Substitute by the following
1-6 vote: Yeas 9, Nays 0; May 12, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 11 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the offense of terroristic threat and to the punishment
1-11 as a capital offense of murder occurring during the commission or
1-12 attempted commission of terroristic threat.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 19.03(a), Penal Code, is amended to read
1-15 as follows:

1-16 (a) A person commits an offense if the person [~~he~~] commits
1-17 murder as defined under Section 19.02(b)(1) and:

1-18 (1) the person murders a peace officer or fireman who
1-19 is acting in the lawful discharge of an official duty and who the
1-20 person knows is a peace officer or fireman;

1-21 (2) the person intentionally commits the murder in the
1-22 course of committing or attempting to commit kidnapping, burglary,
1-23 robbery, aggravated sexual assault, arson, [~~or~~] obstruction or
1-24 retaliation, or terroristic threat under Section 22.07(a)(1), (3),
1-25 (4), (5), or (6);

1-26 (3) the person commits the murder for remuneration or
1-27 the promise of remuneration or employs another to commit the murder
1-28 for remuneration or the promise of remuneration;

1-29 (4) the person commits the murder while escaping or
1-30 attempting to escape from a penal institution;

1-31 (5) the person, while incarcerated in a penal
1-32 institution, murders another:

1-33 (A) who is employed in the operation of the penal
1-34 institution; or

1-35 (B) with the intent to establish, maintain, or
1-36 participate in a combination or in the profits of a combination;

1-37 (6) the person:

1-38 (A) while incarcerated for an offense under this
1-39 section or Section 19.02, murders another; or

1-40 (B) while serving a sentence of life imprisonment
1-41 or a term of 99 years for an offense under Section 20.04, 22.021, or
1-42 29.03, murders another;

1-43 (7) the person murders more than one person:

1-44 (A) during the same criminal transaction; or

1-45 (B) during different criminal transactions but
1-46 the murders are committed pursuant to the same scheme or course of
1-47 conduct; or

1-48 (8) the person murders an individual under six years
1-49 of age.

1-50 SECTION 2. Section 22.07, Penal Code, is amended to read as
1-51 follows:

1-52 Sec. 22.07. TERRORISTIC THREAT. (a) A person commits an
1-53 offense if he threatens to commit any offense involving violence to
1-54 any person or property with intent to:

1-55 (1) cause a reaction of any type to his threat by an
1-56 official or volunteer agency organized to deal with emergencies;

1-57 (2) place any person in fear of imminent serious
1-58 bodily injury; [~~or~~]

1-59 (3) prevent or interrupt the occupation or use of a
1-60 building; room; place of assembly; place to which the public has
1-61 access; place of employment or occupation; aircraft, automobile, or
1-62 other form of conveyance; or other public place; [~~or~~]

1-63 (4) cause impairment or interruption of public

2-1 communications, public transportation, public water, gas, or power
2-2 supply or other public service;

2-3 (5) place the public or a substantial group of the
2-4 public in fear of serious bodily injury; or

2-5 (6) influence the conduct or activities of a branch or
2-6 agency of the federal government, the state, or a political
2-7 subdivision of the state.

2-8 (b) An offense under Subdivision (1) or (2) of Subsection
2-9 (a) is a Class B misdemeanor. An offense under Subdivision (3) of
2-10 Subsection (a) is a Class A misdemeanor. An offense under
2-11 Subdivision (4), (5), or (6) of Subsection (a) is a felony of the
2-12 third degree.

2-13 SECTION 3. Section 42.06(b), Penal Code, is amended to read
2-14 as follows:

2-15 (b) An offense under this section is a state jail felony
2-16 [~~Class A misdemeanor~~] unless the false report is of an emergency
2-17 involving a public primary or secondary school, public
2-18 communications, public transportation, public water, gas, or power
2-19 supply or other public service, in which event the offense is a
2-20 [~~state jail~~] felony of the third degree.

2-21 SECTION 4. Section 46.01, Penal Code, is amended by adding
2-22 Subdivision (17) to read as follows:

2-23 (17) "Hoax chemical dispensing device" means a device
2-24 that:

2-25 (A) reasonably appears to be a chemical
2-26 dispensing device; or

2-27 (B) by its design causes alarm or reaction of any
2-28 type by an official of a public safety agency or a volunteer agency
2-29 organized to deal with emergencies.

2-30 SECTION 5. Section 46.08, Penal Code, is amended to read as
2-31 follows:

2-32 Sec. 46.08. HOAX BOMBS OR CHEMICAL DISPENSING DEVICES. (a)
2-33 A person commits an offense if the person knowingly manufactures,
2-34 sells, purchases, transports, or possesses a hoax bomb or a hoax
2-35 chemical dispensing device with intent to use the hoax bomb or
2-36 device to:

2-37 (1) make another believe that the hoax bomb or device
2-38 is an explosive, [or] incendiary, or chemical dispensing device, as
2-39 applicable; or

2-40 (2) cause alarm or reaction of any type by an official
2-41 of a public safety agency or volunteer agency organized to deal with
2-42 emergencies.

2-43 (b) An offense under this section is a state jail felony
2-44 [~~Class A misdemeanor~~].

2-45 SECTION 6. (a) The change in law made by this Act applies
2-46 only to an offense committed on or after the effective date of this
2-47 Act. For purposes of this section, an offense is committed before
2-48 the effective date of this Act if any element of the offense occurs
2-49 before the effective date.

2-50 (b) An offense committed before the effective date of this
2-51 Act is covered by the law in effect when the offense was committed,
2-52 and the former law is continued in effect for that purpose.

2-53 SECTION 7. This Act takes effect September 1, 2003.

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