

## **BILL ANALYSIS**

H.B. 360  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, aggravated assault is committed if a person causes serious bodily injury to another, or uses or exhibits a deadly weapon during the commission of the offense. Aggravated assault is currently a second degree felony, imposing a penalty range of not less than two years nor more than 20 years in prison. Consequently, it is possible for a person to use a deadly weapon to commit serious bodily injury to another person, and receive no more than 20 years in prison.

Circumstances may exist where a person commits aggravated assault that results in grave harm to the Complainant. For example, under the current law, if a firearm is used to shoot a Complainant, and the Complainant is seriously injured but does not die, the offense committed is an aggravated assault with a punishment limit of 20 years. In such cases, the harm resulting from the aggravated assault is inconsistent with punishment as a second degree felony. In cases where a Complainant is seriously, permanently injured, and a deadly weapon was used to cause those injuries, punishment as a first degree felony is warranted.

Raising the punishment range for aggravated assault from a second degree felony to a first degree felony in certain cases would remedy this situation. House bill 360 makes aggravated assault a first degree felony where a deadly weapon is used to cause serious bodily harm.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

House Bill 360 amends Section 22.02(b), Penal Code by establishing an offense as a first degree felony if the actor uses a deadly weapon during the assault and causes serious bodily harm to another, including the person's spouse.

The change in law made by this Act only applies to those offenses committed on or after the effective date of this Act.

### **EFFECTIVE DATE**

September 1, 2005.