

BILL ANALYSIS

H.B. 1812
By: Talton
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently an individual commits an offense of aggravated assault of the second degree if the individual commits assault as defined in Section 22.01, Penal Code, and the person causes serious bodily injury to another person, or uses or exhibits a deadly weapon. The offense is elevated to a first degree felony if the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to a person who is a family member, spouse, or member of a household, as well as a public servant who is on duty, in retaliation against a witness, informant or reporter of a crime or a security officer on duty.

H.B. 1812 strikes out the language that includes individuals who are a spouse, family member or household member and replaces it with "another, including the person's spouse." This does not exclude the individuals mentioned by the strike out, rather it makes it an all inclusive list and adds to the list any individual who may not be included by the current law.

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 1812 amends Section 22.02(b), Penal Code, by making an offense under this section a first degree felony if the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to another, including the person's spouse. Makes application of this Act prospective.

EFFECTIVE DATE

September 1, 2007.