

By: Talton

H.B. No. 1812

A BILL TO BE ENTITLED

AN ACT

relating to the punishment of the offense of aggravated assault.

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

SECTION 1. Section 22.02(b), Penal Code, is amended to read as follows:

(b) An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

(1) the actor uses a deadly weapon during the commission of the assault and causes serious bodily injury to another, including the person's spouse ~~[a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code]~~; or

(2) regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:

(A) by a public servant acting under color of the servant's office or employment;

(B) against a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(C) in retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime; or

1                   (D) against a person the actor knows is a  
2 security officer while the officer is performing a duty as a  
3 security officer.

4           SECTION 2. The change in law made by this Act applies only  
5 to an offense committed on or after the effective date of this Act.  
6 For the purposes of this section, an offense was committed before  
7 the effective date of this Act if any element of the offense  
8 occurred before that date. An offense committed before the  
9 effective date of this Act is governed by the law in effect when the  
10 offense was committed, and the former law is continued in effect for  
11 that purpose.

12           SECTION 3. This Act takes effect September 1, 2007.