

BILL ANALYSIS

Senate Research Center

H.B. 176
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Criminal Justice
5/20/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law contains no provision concerning drive-by shootings.

H.B. 176, known as the Janie Lynn Delapaz Act, makes it a first degree felony aggravated assault offense if an actor in a motor vehicle discharges a firearm in the direction of a house, building, or vehicle, knowingly and with reckless disregard as to whether that house, building, or vehicle is occupied, and causes serious injury to another person.

H.B. 176 amends current law relating to the punishment for the offense of aggravated assault.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Designates this Act as the Janie Lynn Delapaz Act.

SECTION 2. Amends Section 22.02(b), Penal Code, to provide that an offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if the actor is in a motor vehicle, as defined by Section 501.002 (Definitions), Transportation Code, and knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle; is reckless as to whether the habitation, building, or vehicle is occupied; and in discharging the firearm, causes serious bodily injury to any person.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.