

AN ACT

relating to the punishment for the offense of aggravated assault.

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

SECTION 1. This Act shall be known as the Janie Lynn Delapaz Act.

SECTION 2. 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 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

1 service of another as a witness, prospective witness, informant, or
2 person who has reported the occurrence of a crime; or

3 (D) against a person the actor knows is a
4 security officer while the officer is performing a duty as a
5 security officer; or

6 (3) the actor is in a motor vehicle, as defined by
7 Section 501.002, Transportation Code, and:

8 (A) knowingly discharges a firearm at or in the
9 direction of a habitation, building, or vehicle;

10 (B) is reckless as to whether the habitation,
11 building, or vehicle is occupied; and

12 (C) in discharging the firearm, causes serious
13 bodily injury to any person.

14 SECTION 3. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 covered by the law in effect immediately before the effective date
18 of this Act, and the former law is continued in effect for that
19 purpose. For purposes of this section, an offense was committed
20 before the effective date of this Act if any element of the offense
21 was committed before that date.

22 SECTION 4. This Act takes effect September 1, 2009.

President of the Senate

Speaker of the House

I certify that H.B. No. 176 was passed by the House on May 13, 2009, by the following vote: Yeas 136, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 176 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor