

By: King of Taylor, Riddle

H.B. No. 176

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for the offense of aggravated assault.

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

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

6 SECTION 2. Section 22.02(b), Penal Code, is amended to read
7 as follows:

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

10 (1) the actor uses a deadly weapon during the
11 commission of the assault and causes serious bodily injury to a
12 person whose relationship to or association with the defendant is
13 described by Section 71.0021(b), 71.003, or 71.005, Family Code;
14 ~~or~~

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

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

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

24 (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:

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

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

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

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

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