

1-1 By: King of Taylor, Riddle H.B. No. 176
1-2 (Senate Sponsor - Seliger)
1-3 (In the Senate - Received from the House May 14, 2009;
1-4 May 15, 2009, read first time and referred to Committee on Criminal
1-5 Justice; May 22, 2009, reported favorably by the following vote:
1-6 Yeas 6, Nays 0; May 22, 2009, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the punishment for the offense of aggravated assault.
1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. This Act shall be known as the Janie Lynn Delapaz
1-12 Act.
1-13 SECTION 2. Section 22.02(b), Penal Code, is amended to read
1-14 as follows:
1-15 (b) An offense under this section is a felony of the second
1-16 degree, except that the offense is a felony of the first degree if:
1-17 (1) the actor uses a deadly weapon during the
1-18 commission of the assault and causes serious bodily injury to a
1-19 person whose relationship to or association with the defendant is
1-20 described by Section 71.0021(b), 71.003, or 71.005, Family Code;
1-21 ~~or~~
1-22 (2) regardless of whether the offense is committed
1-23 under Subsection (a)(1) or (a)(2), the offense is committed:
1-24 (A) by a public servant acting under color of the
1-25 servant's office or employment;
1-26 (B) against a person the actor knows is a public
1-27 servant while the public servant is lawfully discharging an
1-28 official duty, or in retaliation or on account of an exercise of
1-29 official power or performance of an official duty as a public
1-30 servant;
1-31 (C) in retaliation against or on account of the
1-32 service of another as a witness, prospective witness, informant, or
1-33 person who has reported the occurrence of a crime; or
1-34 (D) against a person the actor knows is a
1-35 security officer while the officer is performing a duty as a
1-36 security officer; or
1-37 (3) the actor is in a motor vehicle, as defined by
1-38 Section 501.002, Transportation Code, and:
1-39 (A) knowingly discharges a firearm at or in the
1-40 direction of a habitation, building, or vehicle;
1-41 (B) is reckless as to whether the habitation,
1-42 building, or vehicle is occupied; and
1-43 (C) in discharging the firearm, causes serious
1-44 bodily injury to any person.
1-45 SECTION 3. The change in law made by this Act applies only
1-46 to an offense committed on or after the effective date of this Act.
1-47 An offense committed before the effective date of this Act is
1-48 covered by the law in effect immediately before the effective date
1-49 of this Act, and the former law is continued in effect for that
1-50 purpose. For purposes of this section, an offense was committed
1-51 before the effective date of this Act if any element of the offense
1-52 was committed before that date.
1-53 SECTION 4. This Act takes effect September 1, 2009.

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