

By: Dukes

H.B. No. 452

A BILL TO BE ENTITLED

AN ACT

relating to the punishment prescribed for engaging in certain acts of deadly conduct.

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

SECTION 1. Section 22.05, Penal Code, is amended by adding Subsection (a-1) and amending Subsections (b) and (e) to read as follows:

(a-1) A person commits an offense if the person knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied.

(b) A person commits an offense if the person ~~[he]~~ knowingly discharges a firearm at or in the direction of:

(1) one or more individuals; or

(2) a habitation, building, or vehicle with knowledge that ~~[and is reckless as to whether]~~ the habitation, building, or vehicle is occupied.

(e) An offense under Subsection (a) is a Class A misdemeanor. An offense under Subsection (a-1) is a felony of the third degree. An offense under Subsection (b) is a felony of the second ~~[third]~~ degree.

SECTION 2. Section 53.045(a), Family Code, is amended to read as follows:

(a) Except as provided by Subsection (e), the prosecuting

1 attorney may refer the petition to the grand jury of the county in
2 which the court in which the petition is filed presides if the
3 petition alleges that the child engaged in delinquent conduct that
4 constitutes habitual felony conduct as described by Section 51.031
5 or that included the violation of any of the following provisions:

- 6 (1) Section 19.02, Penal Code (murder);
- 7 (2) Section 19.03, Penal Code (capital murder);
- 8 (3) Section 19.04, Penal Code (manslaughter);
- 9 (4) Section 20.04, Penal Code (aggravated
10 kidnapping);
- 11 (5) Section 22.011, Penal Code (sexual assault) or
12 Section 22.021, Penal Code (aggravated sexual assault);
- 13 (6) Section 22.02, Penal Code (aggravated assault);
- 14 (7) Section 29.03, Penal Code (aggravated robbery);
- 15 (8) Section 22.04, Penal Code (injury to a child,
16 elderly individual, or disabled individual), if the offense is
17 punishable as a felony, other than a state jail felony;
- 18 (9) Section 22.05(a-1) or (b) [~~22.05(b)~~], Penal Code
19 (felony deadly conduct involving discharging a firearm);
- 20 (10) Subchapter D, Chapter 481, Health and Safety
21 Code, if the conduct constitutes a felony of the first degree or an
22 aggravated controlled substance felony (certain offenses involving
23 controlled substances);
- 24 (11) Section 15.03, Penal Code (criminal
25 solicitation);
- 26 (12) Section 21.11(a)(1), Penal Code (indecent with a
27 child);

1 (13) Section 15.031, Penal Code (criminal
2 solicitation of a minor);

3 (14) Section 15.01, Penal Code (criminal attempt), if
4 the offense attempted was an offense under Section 19.02, Penal
5 Code (murder), or Section 19.03, Penal Code (capital murder), or an
6 offense listed by Section 3g(a)(1), Article 42.12, Code of Criminal
7 Procedure;

8 (15) Section 28.02, Penal Code (arson), if bodily
9 injury or death is suffered by any person by reason of the
10 commission of the conduct;

11 (16) Section 49.08, Penal Code (intoxication
12 manslaughter); or

13 (17) Section 15.02, Penal Code (criminal conspiracy),
14 if the offense made the subject of the criminal conspiracy includes
15 a violation of any of the provisions referenced in Subdivisions (1)
16 through (16).

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

25 SECTION 4. This Act takes effect September 1, 2013.