

## **BILL ANALYSIS**

Senate Research Center

H.B. 2908  
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Criminal Justice  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Recent tragic events have hastened a call for greater protection for peace officers from offenses committed because of bias or prejudice against law enforcement. H.B. 2908 addresses this issue by enhancing criminal penalties for certain crimes committed against peace officers.

H.B. 2908 amends current law relating to the punishment for a criminal offense committed against a person because of bias or prejudice on the basis of status as a peace officer or judge and increases a criminal penalty.

### **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. Amends Article 42.014(a), Code of Criminal Procedure, to require a judge, in the trial of an offense under certain statutes, to make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or jury, whichever is the trier of fact, makes a certain determination beyond a reasonable doubt, including that the defendant intentionally selected the person's property that was damaged, rather than intentionally selected property damaged, or affected as a result of the offense, because of the defendant's bias or prejudice against a group identified by certain factors, including status as a peace officer or judge.

SECTION 2. Amends Section 20.02(c), Penal Code, to provide that an offense under this section is a Class A misdemeanor, except that the offense is a certain offense, including, notwithstanding Subdivision (2)(B) (relating to a third degree felony if the actor restrains an individual the actor knows is a public servant), a felony of the second degree if the actor restrains an individual the actor knows is a peace officer or judge while the officer or judge 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 peace officer or judge.

SECTION 3. Amends Section 22.01, Penal Code, by adding Subsection (b-2), to provide that, notwithstanding Subsection (b)(1) (relating to a third degree misdemeanor if the offense is committed against a person the actor knows is a public servant), an offense under Subsection (a)(1) (relating to an offense if the person causes bodily injury to another) is a felony of the second degree if the offense is committed against a person the actor knows is a peace officer or judge while the officer or judge 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 peace officer or judge.

SECTION 4. Amends Section 22.07, Penal Code, by adding Subsection (c-1), to provide that, notwithstanding Subsection (c)(2) (relating to a Class A misdemeanor if the offense is committed against a public servant), an offense under Subsection (a)(2) (relating to an offense if a person threatens to commit any violent offense to any person or property with the intent to place the person in fear of imminent serious bodily injury) is a state jail felony if the offense is committed against a person the actor knows is a peace officer or judge.

SECTION 5. Amends Section 49.09(b-1), Penal Code, as follows:

(b-1) Provides that an offense under Section 49.07 (Intoxication Assault) is:

(1) creates this subdivision from existing text. Deletes a peace officer from individuals to which this subdivision applies; or

(2) a felony of the first degree if it is shown on the trial of the offense that the person caused serious bodily injury to a peace officer or judge while the officer or judge was in the actual discharge of an official duty.

SECTION 6. Makes application of this Act prospective.

SECTION 7. Effective date: September 1, 2017.