

BILL ANALYSIS

C.S.H.B. 1381
By: Wray
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that the punishment for the offense of aggravated assault committed at a school is not severe enough given the nature of the crime and that prosecutors should be able to prosecute such conduct to the maximum extent allowed for certain other aggravated assault offenses. C.S.H.B. 1381 seeks to address this issue by enhancing criminal penalties for aggravated assault committed on school property or on a passenger transportation vehicle of a primary or secondary school.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1381 amends the Penal Code to enhance the penalty for aggravated assault from a second degree felony to a first degree felony if the offense is committed:

- in or on any property, including a parking lot, parking garage, or other parking area, that is owned or leased by a public or private primary or secondary school; or
- on a passenger transportation vehicle that is owned or operated by a public or private primary or secondary school or by another entity under contract with such a school and is being used to transport persons to or from the school or school-sponsored activities.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1381 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the conditions under which the penalty is enhanced if the offense is committed on a passenger transportation vehicle to specify that the vehicle must be owned or operated by a public or private primary or secondary school or by another entity under contract

with such a school and that the vehicle must be being used to transport persons to or from the school or school-sponsored activities.