

By: Wray

H.B. No. 1381

A BILL TO BE ENTITLED

AN ACT

1
2 relating to enhancing the criminal penalty for an aggravated
3 assault causing serious bodily injury that is committed in or on
4 school property or on a passenger transportation vehicle of a
5 primary or secondary school.

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

7 SECTION 1. Section 22.02(b), Penal Code, is amended to read
8 as follows:

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

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

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) for an offense committed under Subsection (a)(1),
7 the offense is committed:

8 (A) in or on any property, including a parking
9 lot, parking garage, or other parking area, that is owned or leased
10 by a public or private primary or secondary school; or

11 (B) on a passenger transportation vehicle that is
12 owned or operated by a public or private primary or secondary school
13 or owned or operated by another entity under contract with a public
14 or private primary or secondary school and is being used to
15 transport persons to or from the school or school-sponsored
16 activities; or

17 (4) [~~(3)~~] the actor is in a motor vehicle, as defined
18 by Section 501.002, Transportation Code, and:

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

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

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

25 SECTION 2. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

6 SECTION 3. This Act takes effect September 1, 2019.