

By: Wray

H.B. No. 1381

Substitute the following for H.B. No. 1381:

By: King of Parker

C.S.H.B. No. 1381

A BILL TO BE ENTITLED

AN ACT

1
2 relating to enhancing the criminal penalty for aggravated assault
3 committed in or on school property or on a passenger transportation
4 vehicle of a primary or secondary school.

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

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

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

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

14 (2) regardless of whether the offense is committed
15 under Subsection (a)(1) or (a)(2), the offense is committed:

16 (A) by a public servant acting under color of the
17 servant's office or employment;

18 (B) against a person the actor knows is a public
19 servant while the public servant is lawfully discharging an
20 official duty, or in retaliation or on account of an exercise of
21 official power or performance of an official duty as a public
22 servant;

23 (C) in retaliation against or on account of the
24 service of another as a witness, prospective witness, informant, or

1 person who has reported the occurrence of a crime; [~~or~~]

2 (D) against a person the actor knows is a
3 security officer while the officer is performing a duty as a
4 security officer;

5 (E) in or on any property, including a parking
6 lot, parking garage, or other parking area, that is owned or leased
7 by a public or private primary or secondary school; or

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

14 (3) the actor is in a motor vehicle, as defined by
15 Section 501.002, Transportation Code, and:

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

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

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

22 SECTION 2. The change in law made by this Act applies only
23 to an offense committed on or after the effective date of this Act.
24 An offense committed before the effective date of this Act is
25 governed by the law in effect on the date the offense was committed,
26 and the former law is continued in effect for that purpose. For
27 purposes of this section, an offense was committed before the

1 effective date of this Act if any element of the offense occurred
2 before that date.

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