

By: Wray

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 being
9 used to transport children to or from school-sponsored activities
10 of a public or private primary or secondary school; or

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

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

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

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

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

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