

By: Sheffield

H.B. No. 2937

A BILL TO BE ENTITLED

AN ACT

relating to the offense of aggravated assault using a deadly  
weapon.

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

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

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

(1) the actor uses a deadly weapon during the  
commission of the assault and causes serious bodily injury to  
another, including the person's spouse ~~[a person whose relationship  
to or association with the defendant is described by Section  
71.0021(b), 71.003, or 71.005, Family Code]~~;

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

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

(B) against a person the actor knows is a public  
servant while the public servant 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 public  
servant;

(C) in retaliation against or on account of the  
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; or

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

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

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

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

13 SECTION 2. The change in law made by this Act applies only  
14 to an offense committed on or after the effective date of this Act.  
15 An offense committed before the effective date of this Act is  
16 governed by the law in effect on the date the offense was committed,  
17 and the former law is continued in effect for that purpose. For  
18 purposes of this section, an offense was committed before the  
19 effective date of this Act if any element of the offense occurred  
20 before that date.

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