

BILL ANALYSIS

H.B. 2366
By: Buckley
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

During the unique events of the past year, several areas across the country saw increased hostility toward law enforcement. Civilians engaged in conduct aimed at harming the men and women who serve and protect our communities. Laser pointers and fireworks became methods intended to obstruct, injure, and kill law enforcement. H.B. 2366 seeks to discourage this conduct by increasing the penalty for knowingly directing a laser pointer at an officer and by creating a criminal offense for the unlawful use of fireworks.

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

H.B. 2366 amends the Penal Code to create a state jail felony offense for a person who explodes or ignites fireworks with the intent to do the following:

- interfere with the lawful performance of an official duty by a law enforcement officer; or
- flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor.

The bill enhances the penalty for the offense to a second degree felony if the offense involves any firework that is not a consumer firework, as defined by federal law. The bill enhances the penalty to a first degree felony if the offense causes serious bodily injury to a person the actor knows is a law enforcement officer while the law enforcement officer 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 law enforcement officer. If conduct constituting the offense also constitutes another offense, the actor may be prosecuted for either offense or both offenses.

H.B. 2366 enhances the penalty for the unlawful use of a laser pointer directed at a uniformed safety officer from a Class C misdemeanor to a third degree felony if the conduct causes bodily injury to the officer and to a first degree felony if the conduct causes serious bodily injury to the officer. If conduct constituting the offense also constitutes another offense, the actor may be prosecuted for either offense but not for both offenses.

EFFECTIVE DATE

September 1, 2021.