

BILL ANALYSIS

C.S.H.B. 3934
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the insufficient penalty enhancements available for aggravated assault. It has been suggested that an aggravated assault in which the actor uses a deadly weapon and causes a traumatic injury resulting in paralysis or a persistent vegetative state to a victim commands a more stringent penalty given the serious nature of the offense. However, the Penal Code does not currently provide such an enhancement for this specific conduct. C.S.H.B. 3934 seeks to address this issue by enhancing the penalty for such conduct from a second degree felony to a first degree felony.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, enhances 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

C.S.H.B. 3934 amends the Penal Code to enhance the penalty for aggravated assault from a second degree felony to a first degree felony if the actor uses a deadly weapon during the commission of the assault and causes a traumatic brain or spine injury to another that results in a persistent vegetative state or irreversible paralysis.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3934 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original expanded the scope of the penalty enhancement for aggravated assault committed using a deadly weapon that causes serious bodily injury to a person with whom the actor has a dating, family, or household relationship by making it applicable with respect to any other person, including the person's spouse, who suffers that injury. The substitute does not include this expansion but includes a first degree felony penalty enhancement absent from the original for an actor who commits aggravated assault using a deadly weapon and causes a traumatic

brain or spine injury to another that results in a persistent vegetative state or irreversible paralysis.