

By: Smith

H.B. No. 380

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the murder of a prosecuting attorney or an assistant
3 prosecuting attorney; increasing a criminal penalty.

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

5 SECTION 1. Section 19.03(a), Penal Code, is amended to read
6 as follows:

7 (a) A person commits an offense if the person commits murder
8 as defined under Section 19.02(b)(1) and:

9 (1) the person murders a peace officer or fireman who
10 is acting in the lawful discharge of an official duty and who the
11 person knows is a peace officer or fireman;

12 (2) the person intentionally commits the murder in the
13 course of committing or attempting to commit kidnapping, burglary,
14 robbery, aggravated sexual assault, arson, obstruction or
15 retaliation, or terroristic threat under Section 22.07(a)(1), (3),
16 (4), (5), or (6);

17 (3) the person commits the murder for remuneration or
18 the promise of remuneration or employs another to commit the murder
19 for remuneration or the promise of remuneration;

20 (4) the person commits the murder while escaping or
21 attempting to escape from a penal institution;

22 (5) the person, while incarcerated in a penal
23 institution, murders another:

24 (A) who is employed in the operation of the penal

1 institution; or

2 (B) with the intent to establish, maintain, or
3 participate in a combination or in the profits of a combination;

4 (6) the person:

5 (A) while incarcerated for an offense under this
6 section or Section 19.02, murders another; or

7 (B) while serving a sentence of life imprisonment
8 or a term of 99 years for an offense under Section 20.04, 22.021, or
9 29.03, murders another;

10 (7) the person murders more than one person:

11 (A) during the same criminal transaction; or

12 (B) during different criminal transactions but
13 the murders are committed pursuant to the same scheme or course of
14 conduct;

15 (8) the person murders an individual under 10 years of
16 age;

17 (9) the person murders an individual 10 years of age or
18 older but younger than 15 years of age; ~~or~~

19 (10) the person murders another person in retaliation
20 for or on account of the service or status of the other person as a
21 judge or justice of the supreme court, the court of criminal
22 appeals, a court of appeals, a district court, a criminal district
23 court, a constitutional county court, a statutory county court, a
24 justice court, or a municipal court; or

25 (11) the person murders another person in retaliation
26 for or on account of the service or status of the other person as a
27 prosecuting attorney, as defined by Section 41.101, Government

1 Code, or an assistant prosecuting attorney, as described by
2 Subchapter B, Chapter 41, Government Code.

3 SECTION 2. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 governed by the law in effect on the date the offense was committed,
7 and the former law is continued in effect for that purpose. For
8 purposes of this section, an offense was committed before the
9 effective date of this Act if any element of the offense occurred
10 before that date.

11 SECTION 3. This Act takes effect September 1, 2021.