

By: Buckley

H.B. No. 2366

A BILL TO BE ENTITLED

AN ACT

relating to criminal conduct that endangers law enforcement;
creating a criminal offense and increasing a criminal penalty.

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

SECTION 1. Section 42.13, Penal Code, is amended by
amending Subsection (c) and adding Subsection (d) to read as
follows:

(c) An offense under this section is a Class C misdemeanor,
except that the offense is:

(1) a felony of the third degree if the conduct causes
bodily injury to the officer; or

(2) a felony of the first degree if the conduct causes
serious bodily injury to the officer.

(d) If conduct that constitutes an offense under this
section also constitutes an offense under any other law, the actor
may be prosecuted under this section or the other law, but not both.

SECTION 2. Title 10, Penal Code, is amended by adding
Chapter 50 to read as follows:

CHAPTER 50. FIREWORKS

Sec. 50.01. DEFINITIONS. In this chapter:

(1) "Consumer firework" and "fireworks" have the
meanings assigned by 49 C.F.R. Section 173.59.

(2) "Law enforcement officer" means a person who is a
peace officer under Article 2.12, Code of Criminal Procedure, or a

1 person who is a federal law enforcement officer, as defined by
2 U.S.C. Section 8331(20).

3 Sec. 50.02. UNLAWFUL USE OF FIREWORKS. (a) A person
4 commits an offense if the person explodes or ignites fireworks with
5 the intent to:

6 (1) interfere with the lawful performance of an
7 official duty by a law enforcement officer; or

8 (2) flee from a person the actor knows is a law
9 enforcement officer attempting to lawfully arrest or detain the
10 actor.

11 (b) Except as provided by Subsections (c) and (d), an
12 offense under this section is a state jail felony.

13 (c) An offense under this section that involves any firework
14 that is not a consumer firework is a second degree felony.

15 (d) Notwithstanding Subsection (c), an offense under this
16 section is a felony of the first degree if the offense causes
17 serious bodily injury to a person the actor knows is a law
18 enforcement officer while the law enforcement officer is lawfully
19 discharging an official duty or in retaliation or on account of an
20 exercise of official power or performance of an official duty as a
21 law enforcement officer.

22 (e) If conduct constituting an offense under this section
23 also constitutes an offense under any other law, the actor may be
24 prosecuted under this section, the other law, or both.

25 SECTION 3. The changes in law made by this Act apply only to
26 an offense committed on or after the effective date of this Act. An
27 offense committed before the effective date of this Act is governed

1 by the law in effect when the offense was committed, and the former
2 law is continued in effect for that purpose. For purposes of this
3 section, an offense was committed before the effective date of this
4 Act if any element of the offense occurred before that date.

5 SECTION 4. This Act takes effect September 1, 2021.