

BILL ANALYSIS

H.B. 28
By: Slawson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Two constituents in House District 59 were victims of aggravated assault and sustained traumatic injuries that resulted in paralysis. Since neither victim had any relationship with their attackers, the attackers were only charged with second degree felonies. Had there been an established relationship between the victim and attacker, the charges would have been enhanced to first degree felonies. H.B. 28 seeks to address this inconsistency by enhancing the punishment for certain aggravated assault that results in irreversible paralysis or a persistent vegetative state from a second degree felony to a first degree felony, regardless of the victim's relationship with the assailant.

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. 28 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, 2023.