

BILL ANALYSIS

H.B. 165
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Community Safety, Select
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Courts are not able to assess the appropriate punishments for mass shooting crimes where people are hurt or injured but not killed due to the lack of a definition for mass shooting in state law. Incidents where four or more people are targeted or injured that do not result in the death of victims are charged as assaults with a deadly weapon, which is a second degree felony and carries a sentence range of two to 20 years. In addition, these offenses are ineligible to be served consecutively when arising from the same criminal episode. H.B. 165 seeks to address these issues by defining a mass shooting, increasing the penalty for this conduct to a first degree felony, and allowing the stacking of sentences upon conviction.

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. 165 amends the Penal Code to increase the penalty for aggravated assault for an actor who commits the assault as part of a mass shooting from a second degree felony to a first degree felony. The bill requires sentences for a person found guilty in a single criminal action of more than one offense that arises out of the same criminal episode to run consecutively if each sentence is for a conviction of an aggravated assault that is committed as part of a mass shooting. The bill makes a defendant's right to severance when two or more offenses have been consolidated or joined for trial inapplicable to a prosecution for such assault offenses unless the court determines that the defendant or the state would be unfairly prejudiced by a joinder of offenses, in which event the judge may order the offenses to be tried separately or order other relief as justice requires.

H.B. 165 defines "mass shooting" as a person's discharge of a firearm to cause serious bodily injury or death, or to attempt to cause serious bodily injury or death, to four or more persons during the same criminal transaction or during different criminal transactions but pursuant to the same scheme or course of conduct.

H.B. 165 applies to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

EFFECTIVE DATE

September 1, 2023.