

BILL ANALYSIS

C.S.H.B. 1138
By: Martinez
Community Safety, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Every year, individuals fire firearms into the air without intended targets and claim lives and cause severe injuries. In the United States, these occurrences of reckless discharge of a firearm are most likely to occur on New Year's Eve and the Fourth of July in the form of celebratory gunfire. On New Year's Eve 2021, the Houston Police Department reported various celebratory gunfire incidents, including a bullet that hit an eight-year-old boy in the hand at an apartment complex while he was sleeping in his bed. On New Year's Eve 2020, a bullet struck Philippa Ashford in Houston, killing the 61-year-old psychiatric nurse moments after impact. C.S.H.B. 1138 seeks to prevent such tragedies by applying the offense of reckless discharge of a firearm to populous counties.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change 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. 1138 amends the Penal Code to expand the conduct constituting discharge of a firearm in certain municipalities to include recklessly discharging a firearm in a county with a population of 500,000 or more. The bill establishes that the offense does not affect a county's or municipality's authority under other law to enact an order or ordinance prohibiting the discharge of a firearm. The bill applies only 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.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1138 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

Whereas the introduced removed language limiting the offense to applicable conduct that occurred inside the corporate limits of certain municipalities, the substitute does not remove that

language, but rather expands the offense to include applicable conduct occurring in a county with a population of 500,000 or more.