By:  Slawson, et al. (Senate Sponsor - Birdwell) H.B. No. 28

(In the Senate - Received from the House April 3, 2023; April 5, 2023, read first time and referred to Committee on Criminal Justice; May 11, 2023, reported favorably by the following vote: Yeas 6, Nays 0; May 11, 2023, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Flores          X

Bettencourt               X

Hinojosa        X

Huffman         X

King            X

Miles           X

A BILL TO BE ENTITLED

AN ACT

relating to enhancing the punishment for certain conduct constituting the criminal offense of aggravated assault.

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

SECTION 1.  This Act may be cited as the Todd-Hogland Act.

SECTION 2.  Section 22.02(b), Penal Code, is amended to read as follows:

(b)  An offense under this section is a felony of the second degree, except that the offense is a felony of the first degree if:

(1)  the actor uses a deadly weapon during the commission of the assault and causes:

(A)  serious bodily injury to a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(B)  a traumatic brain or spine injury to another that results in a persistent vegetative state or irreversible paralysis;

(2)  regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:

(A)  by a public servant acting under color of the servant's office or employment;

(B)  against a person the actor knows is a public servant while the public servant is lawfully discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty as a public servant;

(C)  in retaliation against or on account of the service of another as a witness, prospective witness, informant, or person who has reported the occurrence of a crime;

(D)  against a person the actor knows is a process server while the person is performing a duty as a process server; or

(E)  against a person the actor knows is a security officer while the officer is performing a duty as a security officer; or

(3)  the actor is in a motor vehicle, as defined by Section 501.002, Transportation Code, and:

(A)  knowingly discharges a firearm at or in the direction of a habitation, building, or vehicle;

(B)  is reckless as to whether the habitation, building, or vehicle is occupied; and

(C)  in discharging the firearm, causes serious bodily injury to any person.

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

SECTION 4.  This Act takes effect September 1, 2023.

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