

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

1 official power or performance of an official duty as a public
2 servant;

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

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

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

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

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

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

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

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 28 was passed by the House on March 30, 2023, by the following vote: Yeas 145, Nays 1, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 28 was passed by the Senate on May 15, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor