

BILL ANALYSIS

Senate Research Center
89R8815 JRR-F

H.B. 1871
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Criminal Justice
5/21/2025
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Penal Code Section 15.01(d), attempted capital murder is punished as one felony degree lower than the offense of capital murder. As a result, both attempted capital murder of a peace officer and aggravated assault against a public servant are punished as first degree felonies. While both are punished as first degree felonies, attempted capital murder of a peace officer requires a higher threshold of proof for prosecution.

H.B. 1871 increases the punishment related to attempted capital murder of a peace officer to reflect the seriousness of the crime and account for the relative difficulty to prove the case in court. This bill provides a stronger deterrent to individuals who attempt to take the lives of peace officers acting in the line of duty.

H.B. 1871 amends current law relating to the punishment for the criminal offense of attempted capital murder of a peace officer, increases a criminal penalty, and changes eligibility for parole and mandatory supervision.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 15.01, Penal Code, by amending Subsection (d) and adding Subsection (e), as follows:

(d) Creates an exception under Subsection (e).

(e) Provides that, if the offense attempted is capital murder of a peace officer under Section 19.03(a)(1) (relating to providing that a person commits an offense if the person commits murder and the person murders a peace officer or fireman in certain circumstances), the offense is a felony of the first degree, punishable by imprisonment in the Texas Department of Criminal Justice for life or for any term of not more than 99 years or less than 25 years.

SECTION 2. Amends Section 508.145(a), Government Code, as follows:

(a) Provides that an inmate is not eligible for release on parole if the inmate is under sentence of death, serving a sentence of life imprisonment without parole, or serving a sentence for certain offenses under the Penal Code, including Section 15.01 (Criminal Attempt), if the offense is punishable under Subsection (e) of that section. Makes nonsubstantive changes.

SECTION 3. Amends Section 508.145(d)(1), Government Code, to make a conforming change.

SECTION 4. Amends Section 508.149(a), Government Code, to prohibit an inmate from being released to mandatory supervision if the inmate is serving a sentence for or has been previously

convicted of certain offenses, including an offense under Section 15.01, Penal Code, punished under Subsection (e) of that section.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2025.