

## **BILL ANALYSIS**

H.B. 1871  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

The bill author has informed the committee that under current law, the penalty for attempted capital murder of a peace officer is the same as aggravated assault of a peace officer and that this equivalent punishment structure persists even though the threshold of proof for aggravated assault prosecution is lower than that of attempted capital murder. H.B. 1871 seeks to address this issue by increasing the penalty for the attempted capital murder of a peace officer and by making an offender ineligible for parole or mandatory supervision.

### **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. 1871 amends the Penal Code to increase the mandatory minimum term of imprisonment for attempted capital murder of a peace officer acting in the lawful discharge of an official duty who the actor knows is a peace officer from 5 years, as provided generally for first degree felonies, to 25 years.

H.B. 1871 amends the Government Code to make an inmate serving a sentence for such a criminal attempt ineligible for release on parole and prohibits the release to mandatory supervision of such an inmate or an inmate who has been previously convicted of such a criminal attempt.

H.B. 1871 applies only to an offense committed on or after the bill's effective date. An offense committed before that date 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 these purposes, an offense was committed before the bill's effective date if any element of the offense was committed before that date.

### **EFFECTIVE DATE**

September 1, 2025.