

By: Plesa

H.B. No. 108

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of metal or body armor while committing an  
3 offense; increasing a criminal penalty.

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

5 SECTION 1. Article 42.01, Code of Criminal Procedure, is  
6 amended by adding Section 17 to read as follows:

7 Sec. 17. In addition to the information described by  
8 Section 1, the judgment must reflect the affirmative finding  
9 entered pursuant to Article 42.01992.

10 SECTION 2. Chapter 42, Code of Criminal Procedure, is  
11 amended by adding Article 42.01992 to read as follows:

12 Art. 42.01992. FINDING REGARDING USE OF METAL OR BODY  
13 ARMOR. In the trial of an offense under Title 5, Penal Code,  
14 punishable as a Class A misdemeanor or any higher category of  
15 offense, other than a felony of the first degree, the judge shall  
16 make an affirmative finding of fact and enter the affirmative  
17 finding in the judgment in the case if at the guilt or innocence  
18 phase of the trial, the judge or the jury, whichever is the trier of  
19 fact, determines beyond a reasonable doubt that the defendant used  
20 metal or body armor, as defined by Section 46.041, Penal Code,  
21 during the commission of the offense.

22 SECTION 3. Subchapter D, Chapter 12, Penal Code, is amended  
23 by adding Section 12.503 to read as follows:

24 Sec. 12.503. PENALTY IF METAL OR BODY ARMOR USED DURING

1 COMMISSION OF OFFENSE. If an affirmative finding under Article  
2 42.01992, Code of Criminal Procedure, is made in the trial of an  
3 offense, the punishment for the offense is increased to the  
4 punishment prescribed for the next highest category of offense,  
5 except that if the offense is a Class A misdemeanor the minimum term  
6 of confinement for the offense is increased to 180 days.

7 SECTION 4. The change in law made by this Act applies only  
8 to an offense committed on or after the effective date of this Act.  
9 An offense committed before the effective date of this Act is  
10 governed by the law in effect on the date the offense was committed,  
11 and the former law is continued in effect for that purpose. For  
12 purposes of this section, an offense was committed before the  
13 effective date of this Act if any element of the offense occurred  
14 before that date.

15 SECTION 5. This Act takes effect September 1, 2025.