

By: Dyson, Wharton, Louderback, Wilson, Cook,
et al.

H.B. No. 1871

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the criminal offense of attempted capital murder of a peace officer; increasing a criminal penalty; changing eligibility for parole and mandatory supervision.

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

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

(d) Except as provided by Subsection (e), an [An] offense under this section is one category lower than the offense attempted, and if the offense attempted is a state jail felony, the offense is a Class A misdemeanor.

(e) If the offense attempted is capital murder of a peace officer under Section 19.03(a)(1), 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. Section 508.145(a), Government Code, is amended to read as follows:

(a) 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 any of the following offenses under the Penal Code:

(1) Section 15.01, if the offense is punishable under

1 Subsection (e) of that section;

2 (2) Section 20A.03, if the offense is based partly or
3 wholly on conduct constituting an offense under Section
4 20A.02(a)(5), (6), (7), or (8);

5 (3) [~~(2)~~] Section 21.02;

6 (4) [~~(3)~~] Section 22.021, if the offense is punishable
7 under Subsection (f) of that section; or

8 (5) [~~(4)~~] Section 51.03 or 51.04.

9 SECTION 3. Section 508.145(d)(1), Government Code, is
10 amended to read as follows:

11 (d)(1) This subsection applies only to an inmate who is
12 serving a sentence for:

13 (A) an offense described by Article 42A.054(a),
14 Code of Criminal Procedure, other than an offense under Section
15 19.03, Penal Code, or an offense under Chapter 20A, Penal Code, that
16 is described by Subsection (a)(2) [~~(a)(1)~~] or (c-1)(1);

17 (B) an offense for which the judgment contains an
18 affirmative finding under Article 42A.054(c) or (d), Code of
19 Criminal Procedure; or

20 (C) an offense under Section 71.02 or 71.023,
21 Penal Code.

22 SECTION 4. Section 508.149(a), Government Code, is amended
23 to read as follows:

24 (a) An inmate may not be released to mandatory supervision
25 if the inmate is serving a sentence for or has been previously
26 convicted of:

27 (1) an offense for which the judgment contains an

1 affirmative finding under Article [42A.054](#)(c) or (d), Code of
2 Criminal Procedure;

3 (2) a first degree felony or a second degree felony
4 under Section [19.02](#), Penal Code;

5 (3) a capital felony under Section [19.03](#), Penal Code;

6 (4) a first degree felony or a second degree felony
7 under Section [20.04](#), Penal Code;

8 (5) an offense under Section [21.11](#), Penal Code;

9 (6) a felony under Section [22.011](#), Penal Code;

10 (7) a first degree felony or a second degree felony
11 under Section [22.02](#), Penal Code;

12 (8) a first degree felony under Section [22.021](#), Penal
13 Code;

14 (9) a first degree felony under Section [22.04](#), Penal
15 Code;

16 (10) a first degree felony under Section [28.02](#), Penal
17 Code;

18 (11) a second degree felony under Section [29.02](#), Penal
19 Code;

20 (12) a first degree felony under Section [29.03](#), Penal
21 Code;

22 (13) a first degree felony under Section [30.02](#), Penal
23 Code;

24 (14) a felony for which the punishment is increased
25 under Section [481.134](#) or [481.140](#), Health and Safety Code;

26 (15) an offense under Section [43.25](#), Penal Code;

27 (16) an offense under Section [21.02](#), Penal Code;

1 (17) a first degree felony under Section 15.03, Penal
2 Code;

3 (18) an offense under Section 43.05, Penal Code;

4 (19) an offense under Section 20A.02, Penal Code;

5 (20) an offense under Section 20A.03, Penal Code;

6 (21) a first degree felony under Section 71.02 or
7 71.023, Penal Code;

8 (22) an offense under Section 481.1123, Health and
9 Safety Code, punished under Subsection (d), (e), or (f) of that
10 section;

11 (23) a second degree felony under Section 22.01, Penal
12 Code; ~~or~~

13 (24) an offense under Section 22.01, Penal Code,
14 punished under Subsection (b)(2), (7), or (8) of that section; or

15 (25) an offense under Section 15.01, Penal Code,
16 punished under Subsection (e) of that section.

17 SECTION 5. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense was
24 committed before that date.

25 SECTION 6. This Act takes effect September 1, 2025.