

By: King

S.B. No. 2771

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of aggravated assault.

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

SECTION 1. Section 22.02, Penal Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows:

(a) A person commits an offense if the person commits assault as defined in Sec. 22.01 and the person:

(1) causes serious bodily injury to another, including the person's spouse; ~~or~~

(2) causes substantial bodily injury to another, including the person's spouse; or

(3) uses or exhibits a deadly weapon during the commission of the assault.

(b) An offense under Subsection (a)(1) or (3) ~~[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

1 paralysis;

2 (2) regardless of whether the offense is committed
3 under Subsection (a)(1) or (a)(3) [~~(a)(2)~~], the offense is
4 committed:

5 (A) by a public servant acting under color of the
6 servant's office or employment;

7 (B) against a person the actor knows is a public
8 servant while the public servant is lawfully discharging an
9 official duty, or in retaliation or on account of an exercise of
10 official power or performance of an official duty as a public
11 servant;

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

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

17 (E) against a person the actor knows is a
18 security officer while the officer is performing a duty as a
19 security officer;

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

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

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

26 (C) in discharging the firearm, causes serious
27 bodily injury to any person; or

(4) the actor commits the assault as part of a mass shooting.

(b-1) An offense under Subsection (a)(2) is a felony of the third degree.

SECTION 2. Section 22.02(d), Penal Code, is amended by adding Subdivision (3) to read as follows:

(3) "Substantial bodily injury" means bodily injury that causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.

SECTION 3. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act 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 purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 4. This Act takes effect September 1, 2025.