

By: Minjarez

H.B. No. 591

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of aggravated assault.

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

SECTION 1. Sections 22.02(b) and (d), Penal Code, are amended to read as follows:

(b) An offense under 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 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;

(2) regardless of whether the offense is committed under Subsection (a)(1) or (a)(2), the offense is committed:

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

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

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

(D) against a person the actor knows is a

1 security officer while the officer is performing a duty as a
2 security officer; ~~[or]~~

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

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

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

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

11 (4) the offense is committed under Subsection (a)(1)
12 and the actor's conduct resulted in the paralysis of the victim of
13 the offense.

14 (d) In this section:

15 (1) "Paralysis" means the permanent loss of muscle
16 function in one or more muscles.

17 (2) "Security [,"—"security] officer" means a
18 commissioned security officer as defined by Section 1702.002,
19 Occupations Code, or a noncommissioned security officer registered
20 under Section 1702.221, Occupations Code.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

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1 before that date.

2 SECTION 3. This Act takes effect September 1, 2017.