

## BILL ANALYSIS

C.S.H.B. 591  
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Criminal Jurisprudence  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties contend that the punishment for an aggravated assault resulting in the victim's paralysis is incongruous with the harm caused. C.S.H.B. 591 seeks to address this issue by enhancing the penalty for aggravated assault.

### 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

C.S.H.B. 591 amends the Penal Code to enhance the penalty for aggravated assault from a second degree felony to a first degree felony if the actor causes serious bodily injury to the victim and the actor's conduct resulted in the paralysis of the victim. The bill defines "paralysis" as, with respect to the human body, the complete and permanent loss in part or most of the body of feeling or the ability to move, resulting in loss of the ability to walk.

### EFFECTIVE DATE

September 1, 2017.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 591 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

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

#### HOUSE COMMITTEE SUBSTITUTE

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 security officer while the officer is performing a duty as a security officer; [ø]

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

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

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

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

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

(d) In this section:

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

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

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of

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 security officer while the officer is performing a duty as a security officer; [ø]

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

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

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

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

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

(d) In this section:

(1) "Paralysis" means, with respect to the human body, the complete and permanent loss, in part or most of the body, of feeling or the ability to move, resulting in loss of the ability to walk.

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

SECTION 2. Same as introduced version.

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 occurred before that date.

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

SECTION 3. Same as introduced version.