

- SUBJECT:** Punishment of the offense of aggravated assault
- COMMITTEE:** Criminal Jurisprudence — favorable, without amendment
- VOTE:** 8 ayes — Peña, Vaught, Riddle, Escobar, Hodge, Mallory Caraway, Pierson, Talton
- 0 nays
- 1 absent — Moreno
- WITNESSES:** For — John Jocher, Harris County District Attorney’s Office; (*Registered, but did not testify*: James Jones, Houston Police Department; Amy Mills, Tarrant County District Attorney’s Office)
- Against — None
- BACKGROUND:** Under Penal Code, sec. 22.01, people commit the crime of assault if they:
- intentionally, knowingly, or recklessly cause bodily injury to another, including the person’s spouse;
  - intentionally or knowingly threaten another with imminent bodily injury, including the person’s spouse; or
  - intentionally or knowingly cause physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.
- Assault is a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000) with certain exceptions.
- Under Penal Code, sec. 22.02, people commit the crime of aggravated assault if they commit the crime of assault and:
- cause serious bodily injury to another, including the person’s spouse; or
  - use or exhibit a deadly weapon during the commission of the assault.

Aggravated assault is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000), unless the aggravated assault involved the use of a deadly weapon and caused serious bodily injury to a person related to the defendant through a dating relationship (sec. 71.0021, Family Code), family relationship (sec. 71.003, Family Code), or household relationship (sec. 71.005, Family Code), in which case it is a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).

**DIGEST:** HB 1812 would amend Penal Code, sec. 22.02(b) to make aggravated assault a first-degree felony if a deadly weapon was used during commission of the offense and the actor caused serious bodily injury to another, including the person's spouse. The bill would remove specific references to victims associated with the actor through dating, family, or household relationships.

HB 1812 would take effect on September 1, 2007, and would apply only to an offense committed on or after that date.

**SUPPORTERS SAY:** Aggravated assault is heinous act warranting serious penalties. The punishment for an aggravated assault sometimes is determined by the status of the victim. It is second-degree felony unless the aggressor was tied to the victim through a dating, family, or household relationship, in which case the aggravated assault is punished as a first-degree felony. When the Penal Code was revised in 1993, the penalties were determined by the crimes themselves, not by the identities of the victims. Like those revisions, HB 1812 would acknowledge that an aggravated assault is a serious crime against another person, regardless of who the person is. As such, HB 1812 would enhance the penalty for all aggravated assaults involving a deadly weapon to a first-degree felony.

**OPPONENTS SAY:** Texas cannot afford to enhance penalties for crimes that already are severely punished. Enhancing penalties would lead to offenders serving longer sentences, resulting in additional prison crowding.