

SUBJECT: Enhancing penalty for aggravated assault on school property, vehicle

COMMITTEE: Criminal Jurisprudence — committee substitute recommended

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

WITNESSES: For — Patrick Wilson, Ellis County District Attorney’s Office;
(*Registered, but did not testify:* Jennifer Tharp, Comal County Criminal District Attorney; Frederick Frazier, Dallas Police Association, FOP 716 and State FOP; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Bill Elkin, Houston Police Retired Officers Association; J. Chancellor, Texas Police Chiefs Association; Noel Johnson, TMPA; Russell Hayter)

Against — (*Registered, but did not testify:* Chris Masey, Coalition of Texans with Disabilities; Lisa Flores, Easter Seals Central Texas; Chris Harris, Just Liberty)

On — (*Registered, but did not testify:* Adrian Gaspar, Disability Rights Texas)

BACKGROUND: Penal Code sec. 22.02 establishes the crime of aggravated assault. A person commits the offense by committing assault that causes serious bodily injury to another or by using or exhibiting a deadly weapon during the assault. The crime generally is a second-degree felony (two to 20 years in prison and an optional fine of up to \$10,000), but 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) under certain circumstances. Those circumstances include aggravated assault against a public servant or security officer.

Some have noted first-degree felony penalties related to aggravated assault or other crimes that involved school shootings or similar events would apply only in some but not necessarily all cases. Concerns have

been raised that this leaves a gap in covering some individuals who might be seriously injured at a school or on a bus during such an event.

DIGEST:

CSHB 1381 would increase the penalty for aggravated assault from a second-degree felony to a first-degree felony if it were committed:

- in or on any property, including a parking area, that was owned or leased by a public or private primary or secondary school; or
- on a passenger transportation vehicle owned or operated by a public or private primary or secondary school or owned or operated by an entity under contract with one of these schools and that was being used to transport persons to or from the school or school-sponsored activities.

The bill would take effect September 1, 2019, and would apply to offenses committed on or after that date.