

- SUBJECT:** Creating an offense for certain endangerment of police officers
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 8 ayes — White, Bowers, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
- 1 nay — Goodwin
- WITNESSES:** For — Justin Berry, Austin Police Department (*Registered, but did not testify*); Jon Weist, City of Irving; Jennifer Szimanski and Charley Wilkison, Combined Law Enforcement Associations of Texas; Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; James Smith, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Brian Hawthorne, Sheriffs' Association of Texas; Mitch Landry, Texas Municipal Police Association; Thomas Parkinson)
- Against — (*Registered, but did not testify*: Chas Moore, Austin Justice Coalition)
- BACKGROUND:** Penal Code sec. 42.13 establishes that knowingly directing a laser pointer at a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed municipal, state, or federal officer, is a class C misdemeanor.
- DIGEST:** HB 2366 would establish that a person commits a criminal offense if the person explodes or ignites fireworks with the intent to interfere with the lawful performance of an official duty by a law enforcement officer or to flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor. Such an offense would be a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000).

The penalty would be increased to a second-degree felony (two to 20

years in prison and an optional fine of up to \$10,000) if the offense involved a firework other than a consumer firework as defined by federal regulations. The offense would be increased to a first-degree felony (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) if the action caused serious bodily injury to a person the actor knew was a law enforcement officer while the officer was 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 law enforcement officer. A person who committed an offense under these provisions that also constituted an offense under other law could be prosecuted for either or both offenses.

The bill also would increase the penalty for unlawful use of a laser pointer directed at a uniformed safety officer to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if it caused bodily injury to the officer and to a first-degree felony if it caused serious bodily injury to the officer. A person who committed an offense under these provisions that also constituted an offense under other law could be prosecuted for either offense, but not both.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.

**SUPPORTERS  
SAY:**

HB 2366 would discourage the use of fireworks and laser pointers to attempt to obstruct and injure law enforcement officers by increasing the penalty for knowingly directing a laser pointer at an officer and by creating a criminal offense for the unlawful use of fireworks against law enforcement. Some bad actors have tried to exploit recent protests to incite violence and riotous behavior, including the use of everyday items including laser pointers and fireworks as weapons against law enforcement. The unlawful use of these items has led to the injury of many Texas peace officers.

HB 2366 would apply only to intentional attacks on police and safety officers, which deserve serious consequences. Officers have a duty to

enforce the law in order to maintain a safe and peaceful society, and protecting them ultimately makes all citizens safer. The bill would provide the stronger penalties needed to deter any deliberate use of fireworks and laser pointers to injure peace officers in the line of duty. The bill would enhance and facilitate peaceful protest by deterring disruptive activities that could keep some potential protesters from participating due to fear of violence.

**CRITICS  
SAY:**

HB 2366 would impose overly punitive penalties that could have a chilling effect on legitimate protest. By placing relatively minor offenses involving laser pointers and fireworks on the same level as more destructive and harmful acts, the bill could actually incentivize such acts, since a protester or rioter would be risking the same level of punishment for either type of offense.