

## **BILL ANALYSIS**

Senate Research Center

H.B. 806  
By: Greenberg (Wentworth)  
Criminal Justice  
4-30-97  
Engrossed

### **DIGEST**

Currently, Section 19.03, Penal Code, provides that a person commits capital murder if the person murders a peace officer who is in the lawful discharge of an official duty and who is known to the offender to be a peace officer. There may be concern regarding whether a person could be charged with capital murder, if the person killed a peace officer who was off duty and in uniform. This bill amends Section 36.06, Penal Code, to clarify language regarding the issue of whether a person intentionally retaliates because of the type of service performed by another person.

### **PURPOSE**

As proposed, H.B. 806 amends Section 36.06, Penal Code, to clarify language regarding the issue of whether a person intentionally retaliates because of the type of service performed by another person.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 36.06(a), Penal Code, to provide that a person commits an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service or status of another person acting in a certain capacity. Makes conforming changes.

SECTION 2. Requires this Act to be cited as the "Douglas S. Gooble and Gil Epstein Act."

SECTION 3. Effective date: September 1, 1997.

SECTION 4. Emergency clause.