

**CHAPTER 256**

**H.B. No. 833**

An Act relating to the offense of assault with a deadly weapon on a peace officer, jailer, guard, or participant in a court proceeding.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 22.03(a), Penal Code, is amended to read as follows:

(a) A person commits an offense if, with a *deadly* [~~firearm or a prohibited~~] weapon, he intentionally or knowingly causes serious bodily injury:

(1) to a peace officer or a jailer or guard employed at a municipal or county jail or by the Texas Department of Corrections where he knows or has been informed the person assaulted is a peace officer, jailer, or guard:

(A) while the peace officer, jailer, or guard is acting in the lawful discharge of an official duty; or

(B) in retaliation for or on account of an exercise of official power or performance of an official duty as a peace officer, jailer, or guard; or

(2) to a participant in a court proceeding when he knows or has been informed that the person assaulted is a participant in a court proceeding:

(A) while the injured person is in the lawful discharge of official duty; or

(B) in retaliation for or on account of the injured person's having exercised an official power or performed an official duty as a participant in a court proceeding.

**SECTION 2.** (a) The change in law made by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for this purpose.

**SECTION 3.** This Act takes effect September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on April 25, 1985, by a non-record vote; passed by the Senate on May 15, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 4, 1985

Effective: September 1, 1985