

CHAPTER 223

S.B. No. 477

An Act relating to the offense of assault and to punishment for the offense if the victim of the assault is a peace officer, jailer, or guard; amending Subsections (a) and (c), Section 22.02, Penal Code, as amended.

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

SECTION 1. Subsections (a) and (c), Section 22.02, Penal Code, as amended, are amended to read as follows:

“(a) A person commits an offense if the person commits assault as defined in Section 22.01 of this code and the person:

“(1) causes serious bodily injury to another, including the person’s spouse;

“(2) *threatens with a deadly weapon* or causes bodily injury to a peace officer or a jailer or guard employed at a municipal or county jail or by the Texas Department of Corrections when the person knows or has been informed the person assaulted is a peace officer, jailer, or guard:

“(A) while the peace officer, jailer, or guard is lawfully discharging 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

“(3) causes bodily injury to a participant in a court proceeding when the person knows or has been informed the person assaulted is a participant in a court proceeding:

“(A) while the injured person is lawfully discharging an 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; or

“(4) uses a deadly weapon.”

“(c) An offense under this section is a felony of the third degree, *unless the offense is committed under Subdivision (2) of Subsection (a) of this section and the person uses a deadly weapon, in which event the offense is a felony of the second degree.*”

SECTION 2. (a) The change in law made by this Act applies only to the punishment for 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 the Senate on March 19, 1985, by a viva-voce vote; passed the House on May 15, 1985, by a non-record vote.

Approved: June 3, 1985

Effective: September 1, 1985