

BILL ANALYSIS

Senate Research Center
86R20255 KJE-D

H.B. 902
By: Landgraf et al. (Huffman)
Criminal Justice
5/13/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the assault of a pregnant woman is a Class A misdemeanor punishable by up to a year in county jail. However, there may be situations where the assault itself warranted an increase penalty, or where an enhancement could have prevented additional assaults.

H.B. 902 would amend the Penal Code as it relates to the penalty for assault of a pregnant victim. This bill makes assault of a pregnant woman a felony of the third degree if the actor knew or should have known the victim was pregnant at the time of the assault. This enhancement is the same as assault against a public servant, an assault by strangulation, or assault against an EMT/security guard/contracted corrections officer.

H.B. 902 amends current law relating to increasing the criminal penalty for assault of a pregnant woman.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.01(b), Penal Code, to include an offense committed against a person the actor knows is pregnant at the time of the offense in a list of offenses that are felonies of the third degree under Subsection (a)(1) (relating to the offense of intentionally, knowingly, or recklessly causing bodily injury to another, including the person's spouse).

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. Effective date: September 1, 2019.