

- SUBJECT:** Making assault as part of a mass shooting aggravated assault
- COMMITTEE:** Criminal Jurisprudence — committee substitute recommended
- VOTE:** 8 ayes — Collier, K. Bell, Cason, Cook, Crockett, Hinojosa, A. Johnson, Vasut
- 0 nays
- 1 absent — Murr
- WITNESSES:** For — M. Paige Williams, for Dallas County Criminal District Attorney John Creuzot; (*Registered, but did not testify*: Jennifer Szimanski, CLEAT; Frederick Frazier, Dallas Police Association/FOP716 State FOP; Traci Bennett and Brian Middleton, Fort Bend County District Attorney's Office; John McGalin, Houston Police Department; Ray Hunt, HPOU; Aimee Mobley Turney, League of Women Voters of Texas; Tiana Sanford, Montgomery County District Attorney's Office; James Smith, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Tom Maddox, Sheriffs Association of Texas; Mary Lynn Rice-Lively, Frances Schenckan, and Louis Wichers, Texas Gun Sense; John Wilkerson, Texas Municipal Police Association; David Kohler; Thomas Parkinson; LaTonya Whittington)
- Against — (*Registered, but did not testify*: Terri Hall; Deana Johnston)
- BACKGROUND:** Under Penal Code sec. 22.02, the offense of aggravated assault is committed if an individual commits assault and causes serious bodily injury to another or uses or exhibits a deadly weapon during the commission of the assault. Offenses can be second-degree felonies (two to 20 years in prison and an optional fine of up to \$10,000) or first-degree felonies (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000).
- Under Penal Code sec. 3.03(b), if an individual is found guilty of more than one offense arising out of the same criminal episode the sentences

may run concurrently or, under certain circumstances, the sentences may be served consecutively.

Concerns have been raised that the punishment for mass shootings does not fit the crime and should be increased.

DIGEST: CSHB 2781 would make committing an assault as part of a mass shooting an aggravated assault punished as a first-degree felony.

"Mass shooting" would be defined to mean a person's discharge of a firearm to cause serious bodily injury or death, or to attempt to cause serious bodily injury or death, to four or more persons:

- during the same criminal transaction; or
- during different criminal transactions but pursuant to the same scheme or course of conduct.

If in a single criminal action, an individual was convicted of more than one offense of aggravated assault that came out of the same criminal episode, the sentences would run consecutively if each was a conviction of assault as part of a mass shooting.

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