

1-1 By: Plesa, et al. H.B. No. 108
1-2 (Senate Sponsor - Hinojosa of Hidalgo)
1-3 (In the Senate - Received from the House May 19, 2025;
1-4 May 19, 2025, read first time and referred to Committee on Criminal
1-5 Justice; May 23, 2025, reported favorably by the following vote:
1-6 Yeas 7, Nays 0; May 23, 2025, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
1-17 AN ACT

1-18 relating to the use of metal or body armor while committing certain
1-19 offenses; increasing a criminal penalty.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Article 42.01, Code of Criminal Procedure, is
1-22 amended by adding Section 17 to read as follows:

1-23 Sec. 17. In addition to the information described by
1-24 Section 1, the judgment must reflect the affirmative finding
1-25 entered pursuant to Article 42.01992.

1-26 SECTION 2. Chapter 42, Code of Criminal Procedure, is
1-27 amended by adding Article 42.01992 to read as follows:

1-28 Art. 42.01992. FINDING REGARDING USE OF METAL OR BODY
1-29 ARMOR. (a) In the trial of an offense under Title 5, Penal Code,
1-30 punishable as a felony of the third degree or any higher category of
1-31 offense, other than a felony of the first degree, the judge shall
1-32 make an affirmative finding of fact and enter the affirmative
1-33 finding in the judgment in the case if at the guilt or innocence
1-34 phase of the trial, the judge or the jury, whichever is the trier of
1-35 fact, determines beyond a reasonable doubt that the defendant used
1-36 metal or body armor, as defined by Section 46.041, Penal Code,
1-37 during the commission of the offense.

1-38 (b) The judge shall not make an affirmative finding under
1-39 this article if the defendant is:

1-40 (1) a peace officer as defined by Article 2A.001;

1-41 (2) a member of the state military forces or the armed
1-42 forces of the United States; or

1-43 (3) a security officer as defined by Section 1702.002,
1-44 Occupations Code.

1-45 SECTION 3. Subchapter D, Chapter 12, Penal Code, is amended
1-46 by adding Section 12.503 to read as follows:

1-47 Sec. 12.503. PENALTY IF METAL OR BODY ARMOR USED DURING
1-48 COMMISSION OF OFFENSE. If an affirmative finding under Article
1-49 42.01992, Code of Criminal Procedure, is made in the trial of an
1-50 offense, the punishment for the offense is increased to the
1-51 punishment prescribed for the next highest category of offense.

1-52 SECTION 4. The change in law made by this Act applies only
1-53 to an offense committed on or after the effective date of this Act.
1-54 An offense committed before the effective date of this Act is
1-55 governed by the law in effect on the date the offense was committed,
1-56 and the former law is continued in effect for that purpose. For
1-57 purposes of this section, an offense was committed before the
1-58 effective date of this Act if any element of the offense occurred
1-59 before that date.

1-60 SECTION 5. This Act takes effect September 1, 2025.

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