

PENAL CODE

TITLE 10. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, AND MORALS

CHAPTER 50. FIREWORKS

Sec. 50.01. DEFINITIONS. In this chapter:

(1) "Consumer firework" and "fireworks" have the meanings assigned by 49 C.F.R. Section 173.59.

(2) "Law enforcement officer" means a person who is a peace officer under Article 2.12, Code of Criminal Procedure, or a person who is a federal law enforcement officer, as defined by 5 U.S.C. Section 8331(20).

Added by Acts 2021, 87th Leg., R.S., Ch. 200 (H.B. 2366), Sec. 2, eff. September 1, 2021.

Sec. 50.02. UNLAWFUL USE OF FIREWORKS. (a) A person commits an offense if the person explodes or ignites fireworks with the intent to:

(1) interfere with the lawful performance of an official duty by a law enforcement officer; or

(2) flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor.

(b) Except as provided by Subsections (c) and (d), an offense under this section is a state jail felony.

(c) An offense under this section that involves any firework that is not a consumer firework is a second degree felony.

(d) Notwithstanding Subsection (c), an offense under this section is a felony of the first degree if the offense causes serious bodily injury to a person the actor knows is a law enforcement officer while the law enforcement officer is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty as a law enforcement officer.

(e) If conduct constituting an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

Added by Acts 2021, 87th Leg., R.S., Ch. 200 (H.B. 2366), Sec. 2,

eff. September 1, 2021.