

1-1 By: Perry S.B. No. 1575
1-2 (In the Senate - Filed March 8, 2017; March 21, 2017, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 March 29, 2017, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 29, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	<u>Whitmire</u>	X		
1-9	<u>Huffman</u>	X		
1-10	<u>Birdwell</u>	X		
1-11	<u>Burton</u>	X		
1-12	<u>Creighton</u>	X		
1-13	<u>Garcia</u>	X		
1-14	<u>Hughes</u>	X		
1-15	<u>Menéndez</u>	X		
1-16	<u>Perry</u>	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the prosecution of the offenses of assault and
1-20 harassment by persons committed to certain facilities; increasing a
1-21 criminal penalty.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 1.07, Penal Code, is amended by adding
1-24 Subdivision (8-a) to read as follows:

1-25 (8-a) "Civil commitment facility" means a facility
1-26 owned, leased, or operated by the state, or by a vendor under
1-27 contract with the state, that houses only persons who have been
1-28 civilly committed as sexually violent predators under Chapter 841,
1-29 Health and Safety Code.

1-30 SECTION 2. Section 22.01, Penal Code, is amended by
1-31 amending Subsections (b-1) and (f) and adding Subsection (b-2) to
1-32 read as follows:

1-33 (b-1) Notwithstanding Subsection (b), an offense under
1-34 Subsection (a)(1) is a felony of the third degree if the offense is
1-35 committed:

1-36 (1) while the actor is committed to a civil commitment
1-37 facility; and

1-38 (2) against:

1-39 (A) an officer or employee of the Texas Civil
1-40 Commitment Office:

1-41 (i) while the officer or employee is
1-42 lawfully discharging an official duty at a civil commitment
1-43 facility; or

1-44 (ii) in retaliation for or on account of an
1-45 exercise of official power or performance of an official duty by the
1-46 officer or employee; or

1-47 (B) a person who contracts with the state to
1-48 perform a service in a civil commitment facility or an employee of
1-49 that person:

1-50 (i) while the person or employee is engaged
1-51 in performing a service within the scope of the contract, if the
1-52 actor knows the person or employee is authorized by the state to
1-53 provide the service; or

1-54 (ii) in retaliation for or on account of the
1-55 person's or employee's performance of a service within the scope of
1-56 the contract.

1-57 (b-2) Notwithstanding Subsection (b)(2), an offense under
1-58 Subsection (a)(1) is a felony of the second degree if:

1-59 (1) the offense is committed against a person whose
1-60 relationship to or association with the defendant is described by
1-61 Section 71.0021(b), 71.003, or 71.005, Family Code;

2-1 (2) it is shown on the trial of the offense that the
2-2 defendant has been previously convicted of an offense under this
2-3 chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against a
2-4 person whose relationship to or association with the defendant is
2-5 described by Section 71.0021(b), 71.003, or 71.005, Family Code;
2-6 and

2-7 (3) the offense is committed by intentionally,
2-8 knowingly, or recklessly impeding the normal breathing or
2-9 circulation of the blood of the person by applying pressure to the
2-10 person's throat or neck or by blocking the person's nose or mouth.

2-11 (f) For the purposes of Subsections (b)(2)(A) and (b-2)(2)
2-12 [~~(b-1)(2)~~]:

2-13 (1) a defendant has been previously convicted of an
2-14 offense listed in those subsections committed against a person
2-15 whose relationship to or association with the defendant is
2-16 described by Section 71.0021(b), 71.003, or 71.005, Family Code, if
2-17 the defendant was adjudged guilty of the offense or entered a plea
2-18 of guilty or nolo contendere in return for a grant of deferred
2-19 adjudication, regardless of whether the sentence for the offense
2-20 was ever imposed or whether the sentence was probated and the
2-21 defendant was subsequently discharged from community supervision;
2-22 and

2-23 (2) a conviction under the laws of another state for an
2-24 offense containing elements that are substantially similar to the
2-25 elements of an offense listed in those subsections is a conviction
2-26 of the offense listed.

2-27 SECTION 3. The heading to Section 22.11, Penal Code, is
2-28 amended to read as follows:

2-29 Sec. 22.11. HARASSMENT BY PERSONS IN CERTAIN [~~CORRECTIONAL~~]
2-30 FACILITIES; HARASSMENT OF PUBLIC SERVANT.

2-31 SECTION 4. Sections 22.11(a) and (e), Penal Code, are
2-32 amended to read as follows:

2-33 (a) A person commits an offense if, with the intent to
2-34 assault, harass, or alarm, the person:

2-35 (1) while imprisoned or confined in a correctional or
2-36 detention facility, causes another person to contact the blood,
2-37 seminal fluid, vaginal fluid, saliva, urine, or feces of the actor,
2-38 any other person, or an animal; ~~or~~

2-39 (2) while committed to a civil commitment facility,
2-40 causes:

2-41 (A) an officer or employee of the Texas Civil
2-42 Commitment Office to contact the blood, seminal fluid, vaginal
2-43 fluid, saliva, urine, or feces of the actor, any other person, or an
2-44 animal:

2-45 (i) while the officer or employee is
2-46 lawfully discharging an official duty at a civil commitment
2-47 facility; or

2-48 (ii) in retaliation for or on account of an
2-49 exercise of official power or performance of an official duty by the
2-50 officer or employee; or

2-51 (B) a person who contracts with the state to
2-52 perform a service in the facility or an employee of that person to
2-53 contact the blood, seminal fluid, vaginal fluid, saliva, urine, or
2-54 feces of the actor, any other person, or an animal:

2-55 (i) while the person or employee is engaged
2-56 in performing a service within the scope of the contract, if the
2-57 actor knows the person or employee is authorized by the state to
2-58 provide the service; or

2-59 (ii) in retaliation for or on account of the
2-60 person's or employee's performance of a service within the scope of
2-61 the contract; or

2-62 (3) causes another person the actor knows to be a
2-63 public servant to contact the blood, seminal fluid, vaginal fluid,
2-64 saliva, urine, or feces of the actor, any other person, or an animal
2-65 while the public servant is lawfully discharging an official duty
2-66 or in retaliation or on account of an exercise of the public
2-67 servant's official power or performance of an official duty.

2-68 (e) For purposes of Subsection (a)(3) [~~(a)(2)~~], the actor is
2-69 presumed to have known the person was a public servant if the person

3-1 was wearing a distinctive uniform or badge indicating the person's
3-2 employment as a public servant.

3-3 SECTION 5. The changes in law made by this Act apply only to
3-4 an offense committed on or after the effective date of this Act. An
3-5 offense committed before the effective date of this Act is governed
3-6 by the law in effect on the date the offense was committed, and the
3-7 former law is continued in effect for that purpose. For purposes of
3-8 this section, an offense was committed before the effective date of
3-9 this Act if any element of the offense occurred before that date.

3-10 SECTION 6. This Act takes effect September 1, 2017.

3-11

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