

By: Canales

H.B. No. 27

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for assault or aggravated assault of a federal law enforcement officer.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 22.01(b) and (d), Penal Code, are amended to read as follows:

(b) An offense under Subsection (a)(1) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against:

(1) a person the actor knows is a public servant while the public servant 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 public servant;

(2) a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:

(A) it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11 against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; or

(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or

1 circulation of the blood of the person by applying pressure to the  
2 person's throat or neck or by blocking the person's nose or mouth;

3 (3) a person who contracts with government to perform  
4 a service in a facility as defined by Section 1.07(a)(14), Penal  
5 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
6 that person:

7 (A) while the person or employee is engaged in  
8 performing a service within the scope of the contract, if the actor  
9 knows the person or employee is authorized by government to provide  
10 the service; or

11 (B) in retaliation for or on account of the  
12 person's or employee's performance of a service within the scope of  
13 the contract;

14 (4) a person the actor knows is a security officer  
15 while the officer is performing a duty as a security officer;

16 (5) a person the actor knows is emergency services  
17 personnel while the person is providing emergency services; ~~or~~

18 (6) a pregnant individual to force the individual to  
19 have an abortion; or

20 (7) a person the actor knows is a federal law  
21 enforcement officer while the officer is lawfully discharging an  
22 official duty, or in retaliation or on account of an exercise of  
23 official power or performance of an official duty as a federal law  
24 enforcement officer.

25 (d) For purposes of Subsection (b), the actor is presumed to  
26 have known the person assaulted was a public servant, a federal law  
27 enforcement officer, a security officer, or emergency services

1 personnel if the person was wearing a distinctive uniform or badge  
2 indicating the person's employment as a public servant or federal  
3 law enforcement officer or status as a security officer or  
4 emergency services personnel.

5 SECTION 2. Section 22.01(e), Penal Code, is amended by  
6 adding Subdivision (2) to read as follows:

7 (2) "Federal law enforcement officer" means any  
8 officer, agent, or employee of the United States authorized by  
9 federal law or by an agency of the federal government to engage in  
10 or supervise the prevention, detection, or investigation of any  
11 violation of federal criminal law.

12 SECTION 3. Sections 22.02(b), (c), and (d), Penal Code, are  
13 amended to read as follows:

14 (b) An offense under this section is a felony of the second  
15 degree, except that the offense is a felony of the first degree if:

16 (1) the actor uses a deadly weapon during the  
17 commission of the assault and causes serious bodily injury to a  
18 person whose relationship to or association with the defendant is  
19 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

20 (2) regardless of whether the offense is committed  
21 under Subsection (a)(1) or (a)(2), the offense is committed:

22 (A) by a public servant acting under color of the  
23 servant's office or employment;

24 (B) against a person the actor knows is a public  
25 servant while the public servant is lawfully discharging an  
26 official duty, or in retaliation or on account of an exercise of  
27 official power or performance of an official duty as a public

1 servant;

2 (C) in retaliation against or on account of the  
3 service of another as a witness, prospective witness, informant, or  
4 person who has reported the occurrence of a crime; [~~or~~]

5 (D) against a person the actor knows is a  
6 security officer while the officer is performing a duty as a  
7 security officer; or

8 (E) against a person the actor knows is a federal  
9 law enforcement officer while the officer is lawfully discharging  
10 an official duty, or in retaliation or on account of an exercise of  
11 official power or performance of an official duty as a federal law  
12 enforcement officer; or

13 (3) the actor is in a motor vehicle, as defined by  
14 Section 501.002, Transportation Code, and:

15 (A) knowingly discharges a firearm at or in the  
16 direction of a habitation, building, or vehicle;

17 (B) is reckless as to whether the habitation,  
18 building, or vehicle is occupied; and

19 (C) in discharging the firearm, causes serious  
20 bodily injury to any person.

21 (c) The actor is presumed to have known the person assaulted  
22 was a public servant, a federal law enforcement officer, or a  
23 security officer if the person was wearing a distinctive uniform or  
24 badge indicating the person's employment as a public servant or  
25 federal law enforcement officer or status as a security officer.

26 (d) In this section, "federal law enforcement officer" and  
27 "security officer" have the meanings assigned by Section 22.01

1 ~~[means a commissioned security officer as defined by Section~~  
2 ~~1702.002, Occupations Code, or a noncommissioned security officer~~  
3 ~~registered under Section 1702.221, Occupations Code].~~

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

12           SECTION 5. This Act takes effect September 1, 2019.