

1-1 By: West S.B. No. 840
 1-2 (In the Senate - Filed February 10, 2023; March 1, 2023,
 1-3 read first time and referred to Committee on Criminal Justice;
 1-4 April 19, 2023, reported favorably by the following vote: Yeas 7,
 1-5 Nays 0; April 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Flores	X			
1-9 Bettencourt	X			
1-10 Hinojosa	X			
1-11 Huffman	X			
1-12 King	X			
1-13 Miles	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to increasing the criminal penalty for assault of certain
 1-18 hospital personnel.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. This Act may be cited as the Jacqueline "Jackie"
 1-21 Pokuaa and Katie "Annette" Flowers Act.

1-22 SECTION 2. Section 22.01(b), Penal Code, is amended to read
 1-23 as follows:

1-24 (b) An offense under Subsection (a)(1) is a Class A
 1-25 misdemeanor, except that the offense is a felony of the third degree
 1-26 if the offense is committed against:

1-27 (1) a person the actor knows is a public servant while
 1-28 the public servant is lawfully discharging an official duty, or in
 1-29 retaliation or on account of an exercise of official power or
 1-30 performance of an official duty as a public servant;

1-31 (2) a person whose relationship to or association with
 1-32 the defendant is described by Section 71.0021(b), 71.003, or
 1-33 71.005, Family Code, if:

1-34 (A) it is shown on the trial of the offense that
 1-35 the defendant has been previously convicted of an offense under
 1-36 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
 1-37 against a person whose relationship to or association with the
 1-38 defendant is described by Section 71.0021(b), 71.003, or 71.005,
 1-39 Family Code; or

1-40 (B) the offense is committed by intentionally,
 1-41 knowingly, or recklessly impeding the normal breathing or
 1-42 circulation of the blood of the person by applying pressure to the
 1-43 person's throat or neck or by blocking the person's nose or mouth;

1-44 (3) a person who contracts with government to perform
 1-45 a service in a facility described [~~as defined~~] by Section
 1-46 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code,
 1-47 or an employee of that person:

1-48 (A) while the person or employee is engaged in
 1-49 performing a service within the scope of the contract, if the actor
 1-50 knows the person or employee is authorized by government to provide
 1-51 the service; or

1-52 (B) in retaliation for or on account of the
 1-53 person's or employee's performance of a service within the scope of
 1-54 the contract;

1-55 (4) a person the actor knows is a security officer
 1-56 while the officer is performing a duty as a security officer;

1-57 (5) a person the actor knows is emergency services
 1-58 personnel while the person is providing emergency services;

1-59 (6) a person the actor knows is a process server while
 1-60 the person is performing a duty as a process server;

1-61 (7) a pregnant individual to force the individual to

2-1 have an abortion; ~~or~~
2-2 (8) a person the actor knows is pregnant at the time of
2-3 the offense; or

2-4 (9) a person the actor knows is hospital personnel
2-5 while the person is performing a service in the hospital.

2-6 SECTION 3. Section 22.01(e), Penal Code, is amended by
2-7 adding Subdivision (1-a) to read as follows:

2-8 (1-a) "Hospital personnel" includes nurses,
2-9 physicians, physician assistants, maintenance or janitorial staff,
2-10 receptionists, and other individuals who are employed by or work in
2-11 a facility that is licensed as a general hospital or special
2-12 hospital, as those terms are defined by Section 241.003, Health and
2-13 Safety Code, including a hospital maintained or operated by the
2-14 state.

2-15 SECTION 4. The change in law made by this Act applies only
2-16 to an offense committed on or after the effective date of this Act.
2-17 An offense committed before the effective date of this Act is
2-18 governed by the law in effect on the date the offense was committed,
2-19 and the former law is continued in effect for that purpose. For
2-20 purposes of this section, an offense was committed before the
2-21 effective date of this Act if any element of the offense occurred
2-22 before that date.

2-23 SECTION 5. This Act takes effect September 1, 2023.

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