

By: Shine

H.B. No. 624

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to increasing the criminal penalty for certain offenses  
3 committed in retaliation for or on account of a person's service or  
4 status as a public servant.

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

6 SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended  
7 by adding Section 12.501 to read as follows:

8 Sec. 12.501. PENALTY FOR CERTAIN OFFENSES COMMITTED IN  
9 RETALIATION FOR OR ON ACCOUNT OF PERSON'S SERVICE OR STATUS AS  
10 PUBLIC SERVANT. (a) In this section, "public servant" has the  
11 meaning assigned by Section 36.06.

12 (b) Subject to Subsection (d), the punishment for an offense  
13 described by Subsection (c) is increased to the punishment  
14 prescribed for the next higher category of offense if it is shown on  
15 the trial of the offense that:

16 (1) the offense:

17 (A) was committed against a person the actor  
18 knows is a public servant or a member of a public servant's family  
19 or household; or

20 (B) involves property that the actor knows  
21 belongs to, is under the control of, or is lawfully possessed by a  
22 public servant; and

23 (2) the offense was committed in retaliation for or on  
24 account of the service or status of the person as a public servant.

1        (c) The increase in punishment authorized by this section  
2 applies only to:

3            (1) an offense under Section 28.02, 28.03, 30.05,  
4 33.02, 42.07, or 42.072; or

5            (2) an offense under Section 32.51, other than an  
6 offense punishable under Subsection (c-1) of that section.

7        (d) If an offense described by Subsection (c) is punishable  
8 as a Class A misdemeanor, the minimum term of confinement for the  
9 offense is increased to 180 days. If an offense described by  
10 Subsection (c) is punishable as a felony of the first degree, the  
11 punishment for that offense may not be increased under this  
12 section.

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

21        SECTION 3. This Act takes effect September 1, 2021.