

By: Rosenthal

H.B. No. 627

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting certain conduct intended to intimidate or
3 interfere with a person seeking or providing health care services
4 or attending an established place of religious worship; increasing
5 a criminal penalty.

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

7 SECTION 1. Section 42.01(d), Penal Code, is amended to read
8 as follows:

9 (d) An offense under this section is a Class C misdemeanor,
10 except that the offense is a Class B misdemeanor if the offense was
11 [unless] committed:

12 (1) under Subsection (a)(7) or (a)(8); or

13 (2) under Subsection (a)(4), if the actor engaged in
14 the prohibited conduct with the intent to intimidate or interfere
15 with a person:

16 (A) seeking or providing health care services; or

17 (B) attending an established place of religious
18 worship~~[, in which event it is a Class B misdemeanor]~~.

19 SECTION 2. Section 42.04, Penal Code, is amended by
20 amending Subsections (a) and (c) and adding Subsection (d) to read
21 as follows:

22 (a) Except as provided by Subsection (d), if ~~[if]~~ conduct
23 that would otherwise violate Section 42.01(a)(5) (Unreasonable
24 Noise), 42.03 (Obstructing Passageway), or 42.055 (Funeral Service

1 Disruptions) consists of speech or other communication, of
2 gathering with others to hear or observe such speech or
3 communication, or of gathering with others to picket or otherwise
4 express in a nonviolent manner a position on social, economic,
5 political, or religious questions, the actor must be ordered to
6 move, disperse, or otherwise remedy the violation prior to his
7 arrest if he has not yet intentionally harmed the interests of
8 others which those sections seek to protect.

9 (c) Except as provided by Subsection (d), it [~~It~~] is a
10 defense to prosecution under Section 42.01(a)(5), 42.03, or 42.055:

11 (1) that in circumstances in which this section
12 requires an order no order was given;

13 (2) that an order, if given, was manifestly
14 unreasonable in scope; or

15 (3) that an order, if given, was promptly obeyed.

16 (d) An order under Subsection (a) is not required, and the
17 defense provided under Subsection (c) does not apply, in the
18 prosecution of an offense under Section 42.03 if the actor engaged
19 in the prohibited conduct:

20 (1) with respect to the entry of a health care facility
21 or established place of religious worship; and

22 (2) with the intent to intimidate or interfere with a
23 person seeking or providing health care services at the facility or
24 attending the place of worship, as applicable.

25 SECTION 3. The change in law made by this Act applies only
26 to an offense committed on or after the effective date of this Act.
27 An offense committed before the effective date of this Act is

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

6 SECTION 4. This Act takes effect September 1, 2021.