

By: Johnson of Dallas, Morales of Harris,
Rogers, Leach, Cook, et al.

H.B. No. 55

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the criminal offense of indecent assault; increasing a criminal penalty.

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

SECTION 1. Section 22.012, Penal Code, is amended by amending Subsection (b) and adding Subsection (d) to read as follows:

(b) An offense under this section is a Class A misdemeanor, except that the offense is:

(1) a state jail felony if it is shown on the trial of the offense that:

(A) the defendant has been previously convicted of an offense under this section, other than an offense punishable under Paragraph (B);

(B) the defendant is a health care services provider or a mental health services provider and the act is:

(i) committed during the course of providing a treatment or service to the victim; and

(ii) beyond the scope of generally accepted practices for the treatment or service; or

(C) the defendant provided an alcoholic beverage to the other person with the intent to commit the act and the other person was an employee, intern, or was otherwise supervised in a professional capacity by the defendant; or

1 (2) a felony of the third degree if it is shown on the
2 trial of the offense that the defendant has been previously
3 convicted of an offense under this section that is punishable under
4 Subdivision (1)(B).

5 (d) In this section, "health care services provider" and
6 "mental health services provider" have the meanings assigned by
7 Section 22.011.

8 SECTION 2. The changes in law made by this Act apply only to
9 an offense committed on or after the effective date of this Act. An
10 offense committed before the effective date of this Act is governed
11 by the law in effect on the date the offense was committed, and the
12 former law is continued in effect for that purpose. For purposes of
13 this section, an offense was committed before the effective date of
14 this Act if any element of the offense occurred before that date.

15 SECTION 3. This Act takes effect September 1, 2023.