

By: Jetton

H.B. No. 1135

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for assault of an educator or health care professional.

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

SECTION 1. Section 22.01(b), Penal Code, is 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;

18 (6) a person the actor knows is a process server while
19 the person is performing a duty as a process server;

20 (7) a pregnant individual to force the individual to
21 have an abortion; ~~or~~

22 (8) a person the actor knows is pregnant at the time of
23 the offense;

24 (9) a person the actor knows is an educator while the
25 person is performing a duty as an educator; or

26 (10) a person the actor knows is a health care
27 professional while the person is performing a duty as a health care

1 professional.

2 SECTION 2. Section 22.01(e), Penal Code, is amended by
3 amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to
4 read as follows:

5 (1) "Educator" means a person who is required to hold a
6 certificate issued under Subchapter B, Chapter 21, Education Code,
7 or who would be required to hold that certificate if the person were
8 employed by a school district.

9 (1-a) "Emergency services personnel" includes
10 firefighters, emergency medical services personnel as defined by
11 Section 773.003, Health and Safety Code, emergency
12 room personnel, and other individuals who, in the course and scope
13 of employment or as a volunteer, provide services for the benefit of
14 the general public during emergency situations.

15 (1-b) "Health care professional" has the meaning
16 assigned by Section 247.067, Health and Safety Code.

17 SECTION 3. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose.

22 SECTION 4. This Act takes effect September 1, 2023.