

By: Johnson of Dallas, Jones of Dallas,
González of Dallas, et al.

H.B. No. 2189

Substitute the following for H.B. No. 2189:

By: Moody

C.S.H.B. No. 2189

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for assault of certain
hospital personnel.

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

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

SECTION 2. 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

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

5 (3) a person who contracts with government to perform
6 a service in a facility described [~~as defined~~] by Section
7 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code,
8 or an employee of that person:

9 (A) while the person or employee is engaged in
10 performing a service within the scope of the contract, if the actor
11 knows the person or employee is authorized by government to provide
12 the service; or

13 (B) in retaliation for or on account of the
14 person's or employee's performance of a service within the scope of
15 the contract;

16 (4) a person the actor knows is a security officer
17 while the officer is performing a duty as a security officer;

18 (5) a person the actor knows is emergency services
19 personnel while the person is providing emergency services;

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

22 (7) a pregnant individual to force the individual to
23 have an abortion; [~~or~~]

24 (8) a person the actor knows is pregnant at the time of
25 the offense; or

26 (9) a person the actor knows is hospital personnel
27 while the person is performing a service in the hospital.

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

3 (1-a) "Hospital personnel" includes nurses,
4 physicians, physician assistants, social workers, maintenance or
5 janitorial staff, receptionists, and other individuals who are
6 employed by or work in a facility that is licensed as a general
7 hospital or special hospital, as those terms are defined by Section
8 241.003, Health and Safety Code, including a hospital maintained or
9 operated by the state.

10 SECTION 4. The change in law made by this Act applies only
11 to an offense committed on or after the effective date of this Act.
12 An offense committed before the effective date of this Act is
13 governed by the law in effect on the date the offense was committed,
14 and the former law is continued in effect for that purpose. For
15 purposes of this section, an offense was committed before the
16 effective date of this Act if any element of the offense occurred
17 before that date.

18 SECTION 5. This Act takes effect September 1, 2023.