

By: Landgraf

H.B. No. 3037

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for assault of a health care professional.

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

SECTION 1. Sections 22.01(b) and (d), Penal Code, are 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 described [~~as defined~~] by Section  
5 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code,  
6 or an employee of 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; or

24 (9) a person the actor knows is a health care  
25 professional while the person is performing a duty as a health care  
26 professional.

27 (d) For purposes of Subsection (b), the actor is presumed to

1 have known the person assaulted was a public servant, a security  
2 officer, a health care professional, or emergency services  
3 personnel if the person was wearing a distinctive uniform or badge  
4 indicating the person's employment as a public servant or status as  
5 a security officer, a health care professional, or emergency  
6 services personnel.

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

9 (1-a) "Health care professional" has the meaning  
10 assigned by Section 247.067, Health and Safety Code.

11 SECTION 3. The change in law made by this Act applies only  
12 to an offense committed on or after the effective date of this Act.  
13 An offense committed before the effective date of this Act is  
14 governed by the law in effect on the date the offense was committed,  
15 and the former law is continued in effect for that purpose.

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