

Amend HB 2525 on third reading by adding the following appropriately numbered SECTIONS and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION __. Section 22.01, Penal Code, is amended to read as follows:

Sec. 22.01. ASSAULT. (a) A person commits an offense if the person:

(1) intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;

(2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or

(3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

(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; ~~[or]~~

(2) a member of the defendant's family or household, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense against a member of the defendant's family or household under this section; or

(3) an employee of a public or private primary or secondary school while the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's performance of a duty within the scope of employment.

(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that:

(1) an offense under Subsection (a)(2) is a Class A misdemeanor, and an offense under Subsection (a)(3) is a Class B misdemeanor if the offense is committed against an employee of a public or private primary or secondary school while the employee is

engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's performance of a duty within the scope of employment; and

(2) an offense under Subsection (a)(3) is a Class A misdemeanor if the offense was committed against an elderly individual or disabled individual, as those terms are defined by Section 22.04.

(d) For purposes of Subsection (b)(1), the actor is presumed to have known the person assaulted was a public servant if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant. For the purposes of Subsections (b)(3) and (c)(1), the actor is presumed to have known that the person assaulted was a school employee if the actor was a student enrolled in or the parent or guardian of a student enrolled in the school at which the person assaulted was employed.

(e) It is not a defense to prosecution under Subsection (b)(3) or (c)(1) that the offense occurred off school premises or at a time at which school was not in session.

(f) [~~(e)~~] In this section:

(1) "Family" has the meaning assigned by Section 71.003, Family Code.

(2) "Household" has the meaning assigned by Section 71.005, Family Code.

(g) [~~(f)~~] For the purposes of this section, a defendant has been previously convicted of an offense against a member of the defendant's family or a member of the defendant's household under this section if the defendant was adjudged guilty of the offense or entered a plea of guilty or nolo contendere in return for a grant of deferred adjudication, regardless of whether the sentence for the offense was ever imposed or whether the sentence was probated and the defendant was subsequently discharged from community supervision.

SECTION __. (a) The change in law made to Section 22.01, Penal Code, by this Act applies only to an offense committed on or after the effective date of this Act. For purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before the effective date.

(b) An offense committed before the effective date of this Act is covered by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.