BILL ANALYSIS

BACKGROUND AND PURPOSE

In the course of employment, security officers often undertake risks similar to those taken by police officers. However, while current law enhances penalties for certain crimes against public servants, it does not similarly enhance penalties for those crimes when committed against a security officer. C.S.H.B. 565 increases punishment for assault and aggravated assault upon security officers in the same manner that current law enhances punishment for those crimes when committed against public servants.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 565 amends the Penal Code to increase the punishments for assault and aggravated assault against a commissioned security officer. The bill defines "security officer" as a commissioned security officer defined by the Occupations Code or a noncommissioned security officer registered under Section 1702.221 of the Occupations Code.

Paralleling the existing law regarding assaultive offenses against public servants, the bill requires an offender to know that his victim is a security officer; this knowledge is presumed if the officer was wearing a uniform or badge. Also, the offense must have occurred in the course of the officer's duties.

Under C.S.H.B. 565, offenses against security officers fulfilling these additional elements are punishable within the next-highest offense category. The bill provides that an assault under Section 22.01 of the Penal Code is punishable as a third degree felony, rather than a Class A misdemeanor; an aggravated assault under Section 22.02 of the Penal Code is punishable as a first degree felony, rather than a second degree felony.

EFFECTIVE DATE

This Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 565 modifies the original by defining "security officer" to include both commissioned security officers defined by the Occupations Code and noncommissioned security officers registered under Section 1702.221 of the Occupations Code. The original defined "commissioned security officer" as the meaning under the Occupations Code. The substitute replaces "commissioned security officer" with "security officer" where mentioned in the bill.