

By: Haggerty

H.B. No. 565

Substitute the following for H.B. No. 565:

By: Hupp

C.S.H.B. No. 565

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the punishments for the offenses of assault and
3 aggravated assault committed against a security officer.

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

5 SECTION 1. Sections 22.01(b) and (d), Penal Code, are
6 amended to read as follows:

7 (b) An offense under Subsection (a)(1) is a Class A
8 misdemeanor, except that the offense is a felony of the third degree
9 if the offense is committed against:

10 (1) a person the actor knows is a public servant while
11 the public servant is lawfully discharging an official duty, or in
12 retaliation or on account of an exercise of official power or
13 performance of an official duty as a public servant; ~~[or]~~

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

18 (3) a person the actor knows is a security officer
19 while the officer is performing a duty as a security officer.

20 (d) For purposes of Subsection (b), the actor is presumed to
21 have known the person assaulted was a public servant or a security
22 officer if the person was wearing a distinctive uniform or badge
23 indicating the person's employment as a public servant or status as
24 a security officer.

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

3 (3) "Security officer" means a commissioned security
4 officer as defined by Section 1702.002, Occupations Code, or a
5 noncommissioned security officer registered under Section
6 1702.221, Occupations Code.

7 SECTION 3. Section 22.02, Penal Code, is amended by
8 amending Subsections (b) and (c) and adding Subsection (d) to read
9 as follows:

10 (b) An offense under this section is a felony of the second
11 degree, except that the offense is a felony of the first degree if
12 the offense is committed:

13 (1) by a public servant acting under color of the
14 servant's office or employment;

15 (2) against a person the actor knows is a public
16 servant while the public servant is lawfully discharging an
17 official duty, or in retaliation or on account of an exercise of
18 official power or performance of an official duty as a public
19 servant; ~~or~~

20 (3) in retaliation against or on account of the
21 service of another as a witness, prospective witness, informant, or
22 person who has reported the occurrence of a crime; or

23 (4) against a person the actor knows is a security
24 officer while the officer is performing a duty as a security
25 officer.

26 (c) The actor is presumed to have known the person assaulted
27 was a public servant or a security officer if the person was wearing

1 a distinctive uniform or badge indicating the person's employment
2 as a public servant or status as a security officer.

3 (d) In this section, "security officer" means a
4 commissioned security officer as defined by Section 1702.002,
5 Occupations Code, or a noncommissioned security officer registered
6 under Section 1702.221, Occupations Code.

7 SECTION 4. This Act takes effect September 1, 2003, and
8 applies only to an offense committed on or after that date. An
9 offense committed before the effective date of this Act is covered
10 by the law in effect when the offense was committed, and the former
11 law is continued in effect for that purpose. For purposes of this
12 section, an offense was committed before the effective date of this
13 Act if any element of the offense occurred before that date.