

By: Haggerty

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 commissioned security
4 officer.

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

6 SECTION 1. Section 1.07, Penal Code, is amended by adding
7 Subdivision (49) to read as follows:

8 (49) "Commissioned security officer" has the meaning
9 assigned by Section 1702.002(5), Occupations Code.

10 SECTION 2. Sections 22.01(b) and (d), Penal Code, are
11 amended to read as follows:

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

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

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

23 (3) a person the actor knows is a commissioned
24 security officer while the officer is performing a duty as a

1 security officer.

2 (d) For purposes of Subsection (b), the actor is presumed to
3 have known the person assaulted was a public servant or a
4 commissioned security officer if the person was wearing a
5 distinctive uniform or badge indicating the person's employment as
6 a public servant or status as a commissioned security officer.

7 SECTION 3. Sections 22.02(b) and (c), Penal Code, are
8 amended to read as follows:

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

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

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

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

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

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

1 person's employment as a public servant or status as a commissioned
2 security officer.

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