

1-1 By: Haggerty (Senate Sponsor - Jackson) H.B. No. 565
1-2 (In the Senate - Received from the House May 1, 2003;
1-3 May 6, 2003, read first time and referred to Committee on Criminal
1-4 Justice; May 23, 2003, reported favorably by the following vote:
1-5 Yeas 4, Nays 0; May 23, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the punishments for the offenses of assault and
1-9 aggravated assault committed against a security officer.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Sections 22.01(b) and (d), Penal Code, are
1-12 amended to read as follows:

1-13 (b) An offense under Subsection (a)(1) is a Class A
1-14 misdemeanor, except that the offense is a felony of the third degree
1-15 if the offense is committed against:

1-16 (1) a person the actor knows is a public servant while
1-17 the public servant is lawfully discharging an official duty, or in
1-18 retaliation or on account of an exercise of official power or
1-19 performance of an official duty as a public servant; ~~[or]~~

1-20 (2) a member of the defendant's family or household, if
1-21 it is shown on the trial of the offense that the defendant has been
1-22 previously convicted of an offense against a member of the
1-23 defendant's family or household under this section; or

1-24 (3) a person the actor knows is a security officer
1-25 while the officer is performing a duty as a security officer.

1-26 (d) For purposes of Subsection (b), the actor is presumed to
1-27 have known the person assaulted was a public servant or a security
1-28 officer if the person was wearing a distinctive uniform or badge
1-29 indicating the person's employment as a public servant or status as
1-30 a security officer.

1-31 SECTION 2. Section 22.01(e), Penal Code, is amended by
1-32 adding Subdivision (3) to read as follows:

1-33 (3) "Security officer" means a commissioned security
1-34 officer as defined by Section 1702.002, Occupations Code, or a
1-35 noncommissioned security officer registered under Section
1-36 1702.221, Occupations Code.

1-37 SECTION 3. Section 22.02, Penal Code, is amended by
1-38 amending Subsections (b) and (c) and adding Subsection (d) to read
1-39 as follows:

1-40 (b) An offense under this section is a felony of the second
1-41 degree, except that the offense is a felony of the first degree if
1-42 the offense is committed:

1-43 (1) by a public servant acting under color of the
1-44 servant's office or employment;

1-45 (2) against a person the actor knows is a public
1-46 servant while the public servant is lawfully discharging an
1-47 official duty, or in retaliation or on account of an exercise of
1-48 official power or performance of an official duty as a public
1-49 servant; ~~[or]~~

1-50 (3) in retaliation against or on account of the
1-51 service of another as a witness, prospective witness, informant, or
1-52 person who has reported the occurrence of a crime; or

1-53 (4) against a person the actor knows is a security
1-54 officer while the officer is performing a duty as a security
1-55 officer.

1-56 (c) The actor is presumed to have known the person assaulted
1-57 was a public servant or a security officer if the person was wearing
1-58 a distinctive uniform or badge indicating the person's employment
1-59 as a public servant or status as a security officer.

1-60 (d) In this section, "security officer" means a
1-61 commissioned security officer as defined by Section 1702.002,
1-62 Occupations Code, or a noncommissioned security officer registered
1-63 under Section 1702.221, Occupations Code.

1-64 SECTION 4. This Act takes effect September 1, 2003, and

2-1 applies only to an offense committed on or after that date. An
2-2 offense committed before the effective date of this Act is covered
2-3 by the law in effect when the offense was committed, and the former
2-4 law is continued in effect for that purpose. For purposes of this
2-5 section, an offense was committed before the effective date of this
2-6 Act if any element of the offense occurred before that date.

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