

By: Hinojosa

S.B. No. 686

A BILL TO BE ENTITLED

AN ACT

relating to the punishment imposed on certain defendants charged with the offense of assault.

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

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

(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 person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code, ~~[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 under this chapter against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code ~~[member of the defendant's family or household under this section]~~.

(f) For the purposes of this section, a defendant has been previously convicted of an offense under this chapter against a

1 person whose relationship to or association with the defendant is
2 described by Section 71.0021(b), 71.003, or 71.005, Family Code,
3 [member of the defendant's family or a member of the defendant's
4 household under this section] if the defendant was adjudged guilty
5 of the offense or entered a plea of guilty or nolo contendere in
6 return for a grant of deferred adjudication, regardless of whether
7 the sentence for the offense was ever imposed or whether the
8 sentence was probated and the defendant was subsequently discharged
9 from community supervision.

10 SECTION 2. Section 22.01(e), Penal Code, is repealed.

11 SECTION 3. (a) This Act takes effect September 1, 2003.

12 (b) The change in law made by this Act applies only to an
13 offense committed on or after September 1, 2003. An offense
14 committed before September 1, 2003, is covered by the law in effect
15 when the offense was committed, and the former law is continued in
16 effect for that purpose. For the purposes of this subsection, an
17 offense was committed before September 1, 2003, if any element of
18 the offense occurred before that date.