

By: Hinojosa S.B. No. 686
(In the Senate - Filed February 25, 2003; March 3, 2003,
read first time and referred to Committee on Criminal Justice;
April 16, 2003, reported favorably by the following vote: Yeas 4,
Nays 0; April 16, 2003, sent to printer.)

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. Subsections (b) and (f), Section 22.01, 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
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 a member of the defendant's~~
~~household under this section]~~ if the defendant was adjudged guilty
of the offense or entered a plea of guilty or nolo contendere in
return for a grant of deferred adjudication, regardless of whether
the sentence for the offense was ever imposed or whether the
sentence was probated and the defendant was subsequently discharged
from community supervision.

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repealed.

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

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

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