

BILL ANALYSIS

H.B. 527
By: Bohac
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, crimes of assault against public servants incur greater criminal liability than assault crimes against others. This bill would add employees of public and private primary and secondary schools to the class of individuals for which assault crimes incur an elevated level of criminal liability. This bill ensures that individuals convicted of an offense for which punishment is increased would face a minimum of 10 days in jail.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

HB 527 amends Section 22.01(b) of the Penal Code by making bodily injury to a school employee a felony of the third degree while the employee is performing duties within the scope of employment or the injury is in retaliation to performance of those duties.

HB 527 amends Section 22.01(c) of the Penal Code by making an offense a Class A misdemeanor, with a minimum term of confinement of 10 days, to intentionally or knowingly threaten an employee of a public or private primary or secondary school with imminent bodily injury. It makes it a Class B misdemeanor with a minimum term of confinement of 10 days to intentionally or knowingly cause physical contact with a school employee when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative. States that these increases in punishment only apply if the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of the employee's performance of their duties.

States that the actor is presumed to have known that the person assaulted was a school employee if the actor was a student enrolled in or the parent or guardian of a student enrolled in the school at which the person assaulted was an employee. This bill states that for the increase in punishment it is irrelevant that the offense occurred off of school premises or at time at which school was not in session. States that the increase in punishment does not apply if the actor is a student enrolled in a special education program.

HB 527 amends Section 11, Article 42.12 of the Code of Criminal Procedure to state that if a judge grants community supervision to a defendant convicted of assaulting a public or private primary or secondary school employee, the judge shall require that the defendant submit to at least 10 days confinement in jail.

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

EFFECTIVE DATE

This Act takes effect September 1, 2005.

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