

By: Riddle

H.B. No. 94

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 22.01(b), Penal Code, as amended by  
6 Section 1, Chapter 294, and Section 1, Chapter 1019, Acts of the  
7 78th Legislature, Regular Session, 2003, is reenacted and amended  
8 to read as follows:

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

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

16 (2) a person whose relationship to or association with  
17 the defendant is described by Section 71.0021(b), 71.003, or  
18 71.005, Family Code~~[member of the defendant's family or household]~~,  
19 if it is shown on the trial of the offense that the defendant has  
20 been previously convicted of an offense under this chapter against  
21 a person whose relationship to or association with the defendant is  
22 described by Section 71.0021(b), 71.003, or 71.005, Family Code  
23 ~~[member of the defendant's family or household under this section];~~  
24 [~~or~~]

1           (3) a person who contracts with government to perform  
2 a service in a facility as defined by Section 1.07(a)(14), Penal  
3 Code, or ~~[+]~~ Section 51.02(13) or (14), Family Code ~~[+ or Section~~  
4 ~~51.02(14), Family Code]~~, or an employee of that person:

5           (A) while the person or employee is engaged in  
6 performing a service within the scope of the contract, if the actor  
7 knows the person or employee is authorized by government to provide  
8 the service; or

9           (B) in retaliation for or on account of the  
10 person's or employee's performance of a service within the scope of  
11 the contract; or

12           (4) ~~[.---(3)]~~ a person the actor knows is a security  
13 officer while the officer is performing a duty as a security  
14 officer.

15           SECTION 2. Section 22.01(f), Penal Code, is amended to read  
16 as follows:

17           (f) For the purposes of this section, a defendant has been  
18 previously convicted of an offense under this chapter against a  
19 person whose relationship to or association with the defendant is  
20 described by Section 71.0021(b), 71.003, or 71.005, Family Code,  
21 ~~[member of the defendant's family or a member of the defendant's~~  
22 ~~household under this section]~~ if the defendant was adjudged guilty  
23 of the offense or entered a plea of guilty or nolo contendere in  
24 return for a grant of deferred adjudication, regardless of whether  
25 the sentence for the offense was ever imposed or whether the  
26 sentence was probated and the defendant was subsequently discharged  
27 from community supervision.

1           SECTION 3. Sections 22.01(e)(1) and (2), Penal Code, are  
2 repealed.

3           SECTION 4. This Act takes effect September 1, 2005.

4           SECTION 5. The change in law made by this Act applies only  
5 to an offense committed on or after September 1, 2005. An offense  
6 committed before September 1, 2005, is covered by the law in effect  
7 when the offense was committed, and the former law is continued in  
8 effect for that purpose. For the purposes of this section, an  
9 offense was committed before September 1, 2005, if any element of  
10 the offense occurred before that date.