

By: Hinojosa, Ellis

S.B. No. 91

A BILL TO BE ENTITLED

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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. Subsection (b), Section 22.01, Penal Code, as amended by Section 1, Chapter 294, and Section 1, Chapter 1019, Acts of the 78th Legislature, Regular Session, 2003, is reenacted and 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;

(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~~]; [~~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. Subsection (e), Section 22.01, Penal Code, as
16 amended by Section 2, Chapter 1019, and Section 1, Chapter 1028,
17 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
18 and amended to read as follows:

19 (e) In this section:

20 (1) ~~["Family" has the meaning assigned by Section~~
21 ~~71.003, Family Code.~~

22 ~~[(2) "Household" has the meaning assigned by Section~~
23 ~~71.005, Family Code.~~

24 ~~[(3)]~~ "Security officer" means a commissioned
25 security officer as defined by Section 1702.002, Occupations Code,
26 or a noncommissioned security officer registered under Section
27 1702.221, Occupations Code.

1 (2) [~~(3)~~] "Sports participant" means a person who
2 participates in any official capacity with respect to an
3 interscholastic, intercollegiate, or other organized amateur or
4 professional athletic competition and includes an athlete,
5 referee, umpire, linesman, coach, instructor, administrator, or
6 staff member.

7 SECTION 3. Subsection (f), Section 22.01, Penal Code, is
8 amended to read as follows:

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

20 SECTION 4. The change in law made by this Act applies only
21 to an offense committed on or after the effective date of this Act.
22 An offense committed before the effective date of this Act is
23 covered by the law in effect when the offense was committed, and the
24 former law is continued in effect for that purpose. For the
25 purposes of this section, an offense was committed before the
26 effective date of this Act if any element of the offense occurred
27 before that date.

1 SECTION 5. This Act takes effect September 1, 2005.