

## **BILL ANALYSIS**

C.S.H.B. 495  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current statute, assault causing bodily injury is a Class A misdemeanor, except that it is a third degree felony if it is committed against certain individuals, including public servants. However, the definition of "public servant" does not clearly include emergency services personnel who, in the course of their employment or as a volunteer, respond to emergency situations. C.S.H.B. 495 adds a new category of individuals, "emergency services personnel," against which assault causing bodily injury is a felony of the third degree.

### **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**

Committee Substitute to House Bill 495 amends the Penal Code by adding emergency services personnel to the list of persons against which assault causing bodily injury is considered a felony of the third degree if the actor knew the person was an emergency services personnel and, at the time of the offense, the person was performing emergency services. The actor is presumed to have known the person was an emergency services personnel if the person was wearing an indicative and distinctive uniform and badge. C.S.H.B. 495 also defines "emergency services personnel." C.S.H.B. 495 makes application of this Act prospective.

### **EFFECTIVE DATE**

September 1, 2007.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute changes the definition of "emergency services personnel." The original bill included "emergency medical technicians," but the substitute expands the definition of "emergency services personnel" to include "emergency medical services personnel" as defined by Section 773.003, Health and Safety Code. The substitute adds that in the course and scope of providing services for the benefit of the general public during emergency situations, an emergency services personnel could be performing those services as a volunteer.