

By: Bonnen

H.B. No. 495

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for assault of emergency services  
3 personnel; imposing a criminal penalty.

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

5 SECTION 1. Sections 22.01(b) and (d), Penal Code, are  
6 amended to read as follows:

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

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

14 (2) a person whose relationship to or association with  
15 the defendant is described by Section 71.0021(b), 71.003, or  
16 71.005, Family Code, if it is shown on the trial of the offense that  
17 the defendant has been previously convicted of an offense under  
18 this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against  
19 a 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 (3) a person who contracts with government to perform  
22 a service in a facility as defined by Section 1.07(a)(14), Penal  
23 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
24 that person:

1 (A) while the person or employee is engaged in  
2 performing a service within the scope of the contract, if the actor  
3 knows the person or employee is authorized by government to provide  
4 the service; or

5 (B) in retaliation for or on account of the  
6 person's or employee's performance of a service within the scope of  
7 the contract; ~~[or]~~

8 (4) a person the actor knows is a security officer  
9 while the officer is performing a duty as a security officer; or

10 (5) a person the actor knows is emergency services  
11 personnel while the person is providing emergency services.

12 (d) For purposes of Subsection (b), the actor is presumed to  
13 have known the person assaulted was a public servant, ~~[or]~~ a  
14 security officer, or emergency services personnel if the person was  
15 wearing a distinctive uniform or badge indicating the person's  
16 employment as a public servant or status as a security officer or  
17 emergency services personnel.

18 SECTION 2. Section 22.01(e), Penal Code, is amended by  
19 adding Subdivision (1) to read as follows:

20 (1) "Emergency services personnel" includes  
21 firefighters, police officers and other peace officers, emergency  
22 medical services personnel as defined by Section 773.003, Health  
23 and Safety Code, and other individuals who, in the course and scope  
24 of employment or as a volunteer, provide services for the benefit of  
25 the general public during emergency situations.

26 SECTION 3. The change in law made by this Act applies only  
27 to an offense committed on or after the effective date of this Act.

1 An offense committed before the effective date of this Act is  
2 governed by the law in effect when the offense was committed, and  
3 the former law is continued in effect for that purpose. For  
4 purposes of this section, an offense was committed before the  
5 effective date of this Act if any element of the offense was  
6 committed before that date.

7 SECTION 4. This Act takes effect September 1, 2007.