

By: Bonnen

H.B. No. 495

Substitute the following for H.B. No. 495:

By: Pena

C.S.H.B. No. 495

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections 22.01(b) and (d), Penal Code, are 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, if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 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;

(3) a person who contracts with government to perform a service in a facility as defined by Section 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code, or an employee of 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.