

1-1 By: Bonnen (Senate Sponsor - Seliger) H.B. No. 495  
1-2 (In the Senate - Received from the House April 16, 2007;  
1-3 April 17, 2007, read first time and referred to Committee on  
1-4 Criminal Justice; May 7, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 May 7, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 495 By: Whitmire

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the punishment for assault of emergency services  
1-11 personnel; imposing a criminal penalty.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Sections 22.01(b) and (d), Penal Code, are  
1-14 amended to read as follows:

1-15 (b) An offense under Subsection (a)(1) is a Class A  
1-16 misdemeanor, except that the offense is a felony of the third degree  
1-17 if the offense is committed against:

1-18 (1) a person the actor knows is a public servant while  
1-19 the public servant is lawfully discharging an official duty, or in  
1-20 retaliation or on account of an exercise of official power or  
1-21 performance of an official duty as a public servant;

1-22 (2) a person whose relationship to or association with  
1-23 the defendant is described by Section 71.0021(b), 71.003, or  
1-24 71.005, Family Code, if it is shown on the trial of the offense that  
1-25 the defendant has been previously convicted of an offense under  
1-26 this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against  
1-27 a person whose relationship to or association with the defendant is  
1-28 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

1-29 (3) a person who contracts with government to perform  
1-30 a service in a facility as defined by Section 1.07(a)(14), Penal  
1-31 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
1-32 that person:

1-33 (A) while the person or employee is engaged in  
1-34 performing a service within the scope of the contract, if the actor  
1-35 knows the person or employee is authorized by government to provide  
1-36 the service; or

1-37 (B) in retaliation for or on account of the  
1-38 person's or employee's performance of a service within the scope of  
1-39 the contract; ~~or~~

1-40 (4) a person the actor knows is a security officer  
1-41 while the officer is performing a duty as a security officer; or

1-42 (5) a person the actor knows is emergency services  
1-43 personnel while the person is providing emergency services.

1-44 (d) For purposes of Subsection (b), the actor is presumed to  
1-45 have known the person assaulted was a public servant, ~~or~~ a  
1-46 security officer, or emergency services personnel if the person was  
1-47 wearing a distinctive uniform or badge indicating the person's  
1-48 employment as a public servant or status as a security officer or  
1-49 emergency services personnel.

1-50 SECTION 2. Section 22.01(e), Penal Code, is amended by  
1-51 adding Subdivision (1) to read as follows:

1-52 (1) "Emergency services personnel" includes  
1-53 firefighters, emergency medical services personnel as defined by  
1-54 Section 773.003, Health and Safety Code, and other individuals who,  
1-55 in the course and scope of employment or as a volunteer, provide  
1-56 services for the benefit of the general public during emergency  
1-57 situations.

1-58 SECTION 3. The change in law made by this Act applies only  
1-59 to an offense committed on or after the effective date of this Act.  
1-60 An offense committed before the effective date of this Act is  
1-61 governed by the law in effect when the offense was committed, and  
1-62 the former law is continued in effect for that purpose. For  
1-63 purposes of this section, an offense was committed before the

2-1 effective date of this Act if any element of the offense was  
2-2 committed before that date.

2-3 SECTION 4. This Act takes effect September 1, 2007.

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