

By: Hinojosa, Lucio

S.B. No. 1558

A BILL TO BE ENTITLED

AN ACT

relating to the punishment of certain persons who commit the offense of assault or aggravated assault.

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

SECTION 1. Subsections (b) and (f), Section 22.01, 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, or 71.006, 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, or 71.006, 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

1 that person:

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

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

9 (4) a person the actor knows is a security officer
10 while the officer is performing a duty as a security officer.

11 (f) For the purposes of Subsection (b)(2):

12 (1) a defendant has been previously convicted of an
13 offense listed in Subsection (b)(2) committed against a person
14 whose relationship to or association with the defendant is
15 described by Section 71.0021(b), 71.003, ~~[or]~~ 71.005, or 71.006,
16 Family Code, if the defendant was adjudged guilty of the offense or
17 entered a plea of guilty or nolo contendere in return for a grant of
18 deferred adjudication, regardless of whether the sentence for the
19 offense was ever imposed or whether the sentence was probated and
20 the defendant was subsequently discharged from community
21 supervision; and

22 (2) a conviction under the laws of another state for an
23 offense containing elements that are substantially similar to the
24 elements of an offense listed in Subsection (b)(2) is a conviction
25 of an offense listed in Subsection (b)(2).

26 SECTION 2. Subsection (b), Section 22.02, Penal Code, is
27 amended to read as follows:

1 (b) An offense under this section is a felony of the second
2 degree, except that the offense is a felony of the first degree if:

3 (1) the actor uses a deadly weapon during the
4 commission of the assault and causes serious bodily injury to a
5 person whose relationship to or association with the defendant is
6 described by Section 71.0021(b), 71.003, ~~[or]~~ 71.005, or 71.006,
7 Family Code; or

8 (2) regardless of whether the offense is committed
9 under Subsection (a)(1) or (a)(2), the offense is committed:

10 (A) by a public servant acting under color of the
11 servant's office or employment;

12 (B) against a person the actor knows is a public
13 servant while the public servant is lawfully discharging an
14 official duty, or in retaliation or on account of an exercise of
15 official power or performance of an official duty as a public
16 servant;

17 (C) in retaliation against or on account of the
18 service of another as a witness, prospective witness, informant, or
19 person who has reported the occurrence of a crime; or

20 (D) against a person the actor knows is a
21 security officer while the officer is performing a duty as a
22 security officer.

23 SECTION 3. The change in law made by this Act applies only
24 to an offense committed on or after September 1, 2007. An offense
25 committed before September 1, 2007, is governed by the law in effect
26 when the offense was committed, and the former law is continued in
27 effect for that purpose. For the purposes of this section, an

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1 offense was committed before September 1, 2007, if any element of
2 the offense occurred before that date.

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