

By: Bonnen

H.B. No. 958

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Sections 22.02(b), (c), and (d), Penal Code, are amended to read as follows:

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

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

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

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

(B) against 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;

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

1 (D) against a person the actor knows is a  
2 security officer while the officer is performing a duty as a  
3 security officer; or

4 (E) against a person the actor knows is emergency  
5 services personnel while the person is providing emergency  
6 services.

7 (c) The actor is presumed to have known the person assaulted  
8 was a public servant, ~~[or]~~ a security officer, or emergency  
9 services personnel if the person was wearing a distinctive uniform  
10 or badge indicating the person's employment as a public servant or  
11 status as a security officer or emergency services personnel.

12 (d) In this section:

13 (1) "Emergency services personnel" has the meaning  
14 assigned by Section 22.01.

15 (2) "Security officer" [~~,"security officer"]~~ means a  
16 commissioned security officer as defined by Section 1702.002,  
17 Occupations Code, or a noncommissioned security officer registered  
18 under Section 1702.221, Occupations Code.

19 SECTION 2. The change in law made by this Act applies only  
20 to an offense committed on or after the effective date of this Act.  
21 An offense committed before the effective date of this Act is  
22 governed by the law in effect when the offense was committed, and  
23 the former law is continued in effect for that purpose. For  
24 purposes of this section, an offense was committed before the  
25 effective date of this Act if any element of the offense was  
26 committed before that date.

27 SECTION 3. This Act takes effect September 1, 2009.