

By: Frost

H.B. No. 1076

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the offense of obstruction of or
3 retaliation against a process server.

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

5 SECTION 1. Sections 36.06(a) and (b), Penal Code, are
6 amended to read as follows:

7 (a) A person commits an offense if he intentionally or
8 knowingly harms or threatens to harm another by an unlawful act:

9 (1) in retaliation for or on account of the service or
10 status of another as a:

11 (A) public servant, process server, witness,
12 prospective witness, or informant; or

13 (B) person who has reported or who the actor
14 knows intends to report the occurrence of a crime; or

15 (2) to prevent or delay the service of another as a:

16 (A) public servant, process server, witness,
17 prospective witness, or informant; or

18 (B) person who has reported or who the actor
19 knows intends to report the occurrence of a crime.

20 (b) In this section:

21 (1) "Civil process" means all process issued or
22 sanctioned by a civil court.

23 (2) "Honorably retired peace officer" means a peace
24 officer who:

1 (A) did not retire in lieu of any disciplinary
2 action;

3 (B) was eligible to retire from a law enforcement
4 agency or was ineligible to retire only as a result of an injury
5 received in the course of the officer's employment with the agency;
6 and

7 (C) is entitled to receive a pension or annuity
8 for service as a law enforcement officer or is not entitled to
9 receive a pension or annuity only because the law enforcement
10 agency that employed the officer does not offer a pension or annuity
11 to its employees.

12 (3) [~~(2)~~] "Informant" means a person who has
13 communicated information to the government in connection with any
14 governmental function.

15 (4) "Process server" means a person who serves civil
16 process.

17 (5) [~~(3)~~] "Public servant" includes an honorably
18 retired peace officer.

19 SECTION 2. This Act takes effect September 1, 2009.