

By: Truitt

H.B. No. 2630

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to enhanced penalties for assault of a health care  
3 services provider or a mental health services provider.

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

5 SECTION 1. Section 22.01(b), Penal Code, is amended to read  
6 as follows:

7 (b) An offense under Subsection (a)(1) is a Class A  
8 misdemeanor, except that the offense is a felony of the third degree  
9 if the offense is committed against:

10 (1) a person the actor knows is a public servant while  
11 the public servant is lawfully discharging an official duty, or in  
12 retaliation or on account of an exercise of official power or  
13 performance of an official duty as a public servant;

14 (2) a person whose relationship to or association with  
15 the defendant is described by Section 71.0021(b), 71.003, or  
16 71.005, Family Code, if it is shown on the trial of the offense that  
17 the defendant has been previously convicted of an offense under  
18 this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11 against  
19 a person whose relationship to or association with the defendant is  
20 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

21 (3) a person who contracts with government to perform  
22 a service in a facility as defined by Section 1.07(a)(14), Penal  
23 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
24 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;

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 (6) a person the actor knows is a health care services  
13 provider while the person is providing health care services; or

14 (7) a person the actor knows is a mental health  
15 services provider while the person is providing mental health  
16 services.

17 SECTION 2. Section 22.01, Penal Code, is amended by adding  
18 Subsection (d-1) to read as follows:

19 (d-1) For purposes of Subsection (b), the actor is presumed  
20 to have known the person assaulted was a health care services  
21 provider or a mental health services provider if the person was  
22 wearing a conspicuous badge or name tag or distinctive clothing  
23 that would identify the person as a health care services provider or  
24 a mental health services provider.

25 SECTION 3. Section 22.01(e), Penal Code, is amended by  
26 adding Subdivision (2) to read as follows:

27 (2) "Health care services provider" and "mental health

1 services provider" have the meanings assigned by Section 22.011.

2           SECTION 4. The change in law made by this Act applies only  
3 to an offense committed on or after the effective date of this Act.  
4 An offense committed before the effective date of this Act is  
5 covered by the law in effect when the offense was committed, and the  
6 former law is continued in effect for that purpose. For purposes of  
7 this section, an offense was committed before the effective date of  
8 this Act if any element of the offense was committed before that  
9 date.

10           SECTION 5. This Act takes effect September 1, 2009.