

By: Gutierrez

H.B. No. 703

A BILL TO BE ENTITLED

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

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

5 SECTION 1. Section 22.01, Penal Code, is amended by  
6 amending Subsection (b) and adding Subsection (d-1) to read as  
7 follows:

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

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

15 (2) a person whose relationship to or association with  
16 the defendant is described by Section 71.0021(b), 71.003, or  
17 71.005, Family Code, if:

18 (A) it is shown on the trial of the offense that  
19 the defendant has been previously convicted of an offense under  
20 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11  
21 against a person whose relationship to or association with the  
22 defendant is described by Section 71.0021(b), 71.003, or 71.005,  
23 Family Code; or

24 (B) the offense is committed by intentionally,

1 knowingly, or recklessly impeding the normal breathing or  
2 circulation of the blood of the person by applying pressure to the  
3 person's throat or neck or by blocking the person's nose or mouth;

4 (3) a person who contracts with government to perform  
5 a service in a facility as defined by Section 1.07(a)(14), Penal  
6 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
7 that person:

8 (A) while the person or employee is engaged in  
9 performing a service within the scope of the contract, if the actor  
10 knows the person or employee is authorized by government to provide  
11 the service; or

12 (B) in retaliation for or on account of the  
13 person's or employee's performance of a service within the scope of  
14 the contract;

15 (4) a person the actor knows is a security officer  
16 while the officer is performing a duty as a security officer; ~~or~~

17 (5) a person the actor knows is emergency services  
18 personnel while the person is providing emergency services; or

19 (6) a person the actor knows is a health care services  
20 provider while the person is providing health care services.

21 (d-1) For purposes of Subsection (b)(6), the actor is  
22 presumed to have known the person assaulted was a health care  
23 services provider if the person was wearing a conspicuous badge or  
24 name tag or distinctive clothing that would identify the person as a  
25 health care services provider.

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

1           (2) "Health care services provider" has the meaning  
2 assigned by Section 22.011.

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

11           SECTION 4. This Act takes effect September 1, 2011.