

By: Dutton

H.B. No. 1640

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the prosecution of and punishment for the offense of
3 official oppression.

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

5 SECTION 1. Sections 39.03(a) and (d), Penal Code, are
6 amended to read as follows:

7 (a) A public servant acting under color of his office or
8 employment commits an offense if he:

9 (1) intentionally subjects another to mistreatment,
10 including excessive force, or to arrest, detention, search,
11 seizure, dispossession, assessment, or lien that he knows is
12 unlawful;

13 (2) intentionally denies or impedes another in the
14 exercise or enjoyment of any right, privilege, power, or immunity,
15 knowing his conduct is unlawful; or

16 (3) intentionally subjects another to sexual
17 harassment.

18 (d) An offense under this section is a Class A misdemeanor,
19 except that an offense under Subsection (a)(1) is a felony of the
20 third degree if the actor is a peace officer.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,

1 and the former law is continued in effect for that purpose. For
2 purposes of this section, an offense was committed before the
3 effective date of this Act if any element of the offense occurred
4 before that date.

5 SECTION 3. This Act takes effect September 1, 2011.