

By: Bonnen

H.B. No. 3522

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;

(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; or

7 (3) the actor is in a motor vehicle, as defined by
8 Section 501.002, Transportation Code, and:

9 (A) knowingly discharges a firearm at or in the
10 direction of a habitation, building, or vehicle;

11 (B) is reckless as to whether the habitation,
12 building, or vehicle is occupied; and

13 (C) in discharging the firearm, causes serious
14 bodily injury to any person.

15 (c) The actor is presumed to have known the person assaulted
16 was a public servant, ~~[or]~~ a security officer, or emergency
17 services personnel if the person was wearing a distinctive uniform
18 or badge indicating the person's employment as a public servant or
19 status as a security officer or emergency services personnel.

20 (d) In this section:

21 (1) "Emergency services personnel" has the meaning
22 assigned by Section 22.01.

23 (2) "Security officer" [~~"security officer"~~] means a
24 commissioned security officer as defined by Section 1702.002,
25 Occupations Code, or a noncommissioned security officer registered
26 under Section 1702.221, Occupations Code.

27 SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 governed by the law in effect when the offense was committed, and
4 the former law is continued in effect for that purpose. For
5 purposes of this section, an offense was committed before the
6 effective date of this Act if any element of the offense was
7 committed before that date.

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