

By: Watson
(Gallego)

S.B. No. 295

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the definition of emergency services personnel for
3 purposes of the enhanced penalty prescribed for an assault
4 committed against a person providing emergency services.

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

6 SECTION 1. Section 22.01, Penal Code, is amended by
7 amending Subsection (b) and adding Subsection (b-2) to read as
8 follows:

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

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

16 (2) a person whose relationship to or association with
17 the defendant is described by Section 71.0021(b), 71.003, or
18 71.005, Family Code, if:

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

1 (B) the offense is committed by intentionally,
2 knowingly, or recklessly impeding the normal breathing or
3 circulation of the blood of the person by applying pressure to the
4 person's throat or neck or by blocking the person's nose or mouth;

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

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

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

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

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

20 (6) a person the actor knows is emergency room
21 personnel while the person is providing emergency services.

22 (b-2) It is an exception to the application of Subsection
23 (b)(6) that:

24 (1) the actor is a patient; and

25 (2) the emergency room personnel has not received
26 training in de-escalation and crisis intervention techniques to
27 facilitate interaction with patients, including patients with

1 mental impairments, that meets minimum standards established by the
2 Department of State Health Services.

3 SECTION 2. Subsection (e), Section 22.01, Penal Code, is
4 amended to read as follows:

5 (e) In this section:

6 (1) "Emergency services personnel" includes
7 firefighters, emergency medical services personnel as defined by
8 Section 773.003, Health and Safety Code, and other individuals who,
9 in the course and scope of employment or as a volunteer, provide
10 services for the benefit of the general public during emergency
11 situations.

12 (2) [~~(3)~~] "Security officer" means a commissioned
13 security officer as defined by Section 1702.002, Occupations Code,
14 or a noncommissioned security officer registered under Section
15 1702.221, Occupations Code.

16 (3) [~~(4)~~] "Sports participant" means a person who
17 participates in any official capacity with respect to an
18 interscholastic, intercollegiate, or other organized amateur or
19 professional athletic competition and includes an athlete,
20 referee, umpire, linesman, coach, instructor, administrator, or
21 staff member.

22 (4) "Emergency room personnel" means a person in a
23 hospital emergency department who, in the course and scope of
24 employment or as a volunteer, provides services for the benefit of
25 the general public during emergency situations.

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

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 295 (engrossed version) as follows:

(1) In SECTION 1 of the bill, in amended Section 22.01, Penal Code (page 1, line 7), strike "Subsection (b-2)" and substitute "Subsections (b-2) and (b-3)" .

(2) In SECTION 1 of the bill, in amended Section 22.01, Penal Code (page 3, between line 2 and 3), insert the following:

(b-3) Notwithstanding Subsection (b)(6), an offense under Subsection (a)(1) committed against a person described by Subsection (b)(6) is a class A misdemeanor if, at the time of the offense, the actor was a person with mental illness or intellectual disabilities.

Carter