

1-1 By: Watson S.B. No. 295
1-2 (In the Senate - Filed December 22, 2010; January 31, 2011,
1-3 read first time and referred to Committee on Transportation and
1-4 Homeland Security; April 4, 2011, reported adversely, with
1-5 favorable Committee Substitute by the following vote: Yeas 9, Nays
1-6 0; April 4, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 295 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the definition of emergency services personnel for
1-11 purposes of the enhanced penalty prescribed for an assault
1-12 committed against a person providing emergency services.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subsection (b), Section 22.01, Penal Code, is
1-15 amended to read as follows:

1-16 (b) An offense under Subsection (a)(1) is a Class A
1-17 misdemeanor, except that the offense is a felony of the third degree
1-18 if the offense is committed against:

1-19 (1) a person the actor knows is a public servant while
1-20 the public servant is lawfully discharging an official duty, or in
1-21 retaliation or on account of an exercise of official power or
1-22 performance of an official duty as a public servant;

1-23 (2) a person whose relationship to or association with
1-24 the defendant is described by Section 71.0021(b), 71.003, or
1-25 71.005, Family Code, if:

1-26 (A) it is shown on the trial of the offense that
1-27 the defendant has been previously convicted of an offense under
1-28 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
1-29 against a person whose relationship to or association with the
1-30 defendant is described by Section 71.0021(b), 71.003, or 71.005,
1-31 Family Code; or

1-32 (B) the offense is committed by intentionally,
1-33 knowingly, or recklessly impeding the normal breathing or
1-34 circulation of the blood of the person by applying pressure to the
1-35 person's throat or neck or by blocking the person's nose or mouth;

1-36 (3) a person who contracts with government to perform
1-37 a service in a facility as defined by Section 1.07(a)(14), Penal
1-38 Code, or Section 51.02(13) or (14), Family Code, or an employee of
1-39 that person:

1-40 (A) while the person or employee is engaged in
1-41 performing a service within the scope of the contract, if the actor
1-42 knows the person or employee is authorized by government to provide
1-43 the service; or

1-44 (B) in retaliation for or on account of the
1-45 person's or employee's performance of a service within the scope of
1-46 the contract;

1-47 (4) a person the actor knows is a security officer
1-48 while the officer is performing a duty as a security officer; ~~or~~

1-49 (5) a person the actor knows is emergency services
1-50 personnel while the person is providing emergency services; or

1-51 (6) a person the actor knows is emergency room
1-52 personnel while the person is providing emergency services.

1-53 SECTION 2. Subsection (e), Section 22.01, Penal Code, is
1-54 amended to read as follows:

1-55 (e) In this section:

1-56 (1) "Emergency services personnel" includes
1-57 firefighters, emergency medical services personnel as defined by
1-58 Section 773.003, Health and Safety Code, and other individuals who,
1-59 in the course and scope of employment or as a volunteer, provide
1-60 services for the benefit of the general public during emergency
1-61 situations.

1-62 (2) ~~(3)~~ "Security officer" means a commissioned
1-63 security officer as defined by Section 1702.002, Occupations Code,

2-1 or a noncommissioned security officer registered under Section
2-2 1702.221, Occupations Code.

2-3 (3) [~~(4)~~] "Sports participant" means a person who
2-4 participates in any official capacity with respect to an
2-5 interscholastic, intercollegiate, or other organized amateur or
2-6 professional athletic competition and includes an athlete,
2-7 referee, umpire, linesman, coach, instructor, administrator, or
2-8 staff member.

2-9 (4) "Emergency room personnel" means a person in a
2-10 hospital emergency department who, in the course and scope of
2-11 employment or as a volunteer, provides services for the benefit of
2-12 the general public during emergency situations, and has received
2-13 training in de-escalation and crisis intervention techniques to
2-14 facilitate interaction with patients and the public, including
2-15 those with mental impairments.

2-16 SECTION 3. This Act takes effect September 1, 2011.

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