

By: Howard

H.B. No. 705

A BILL TO BE ENTITLED

1 AN ACT
2 relating to enhanced penalties for assault of emergency room
3 personnel.

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 (b-2) 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 emergency room
20 personnel while the person is providing emergency services.

21 (b-2) Notwithstanding Subsection (b)(6), an offense under
22 Subsection (a)(1) committed against a person described by
23 Subsection (b)(6) is a Class A misdemeanor if:

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 illness or intellectual disabilities, that meets minimum
2 standards established by the Department of State Health Services.

3 SECTION 2. Section 22.01(e), Penal Code, is amended by
4 amending Subdivision (1) and adding Subdivision (2) to read as
5 follows:

6 (1) "Emergency room personnel" means a person in a
7 hospital emergency department who, in the course and scope of
8 employment or as a volunteer, provides services for the benefit of
9 the general public during emergency situations.

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

16 SECTION 3. The change in law made by this Act applies only
17 to an offense committed on or after the effective date of this Act.
18 An offense committed before the effective date of this Act is
19 governed by the law in effect on the date the offense was committed,
20 and the former law is continued in effect for that purpose. For
21 purposes of this section, an offense was committed before the
22 effective date of this Act if any element of the offense occurred
23 before that date.

24 SECTION 4. This Act takes effect September 1, 2013.