

By: Dutton

H.B. No. 563

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 or  
10 to arrest, detention, search, seizure, dispossession, assessment,  
11 or lien that he knows is unlawful;

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

15 (3) intentionally subjects another to sexual  
16 harassment; or

17 (4) intentionally subjects another to excessive  
18 physical force.

19 (d) An offense under this section is a Class A misdemeanor,  
20 except that an offense is a felony of the third degree if:

21 (1) the public servant acted with the intent to impair  
22 the accuracy of data reported to the Texas Education Agency through  
23 the Public Education Information Management System (PEIMS)  
24 described by Section 42.006, Education Code, under a law requiring

1 that reporting; or

2 (2) the actor is a peace officer who engaged in conduct  
3 constituting an offense under Subsection (a)(4).

4 SECTION 2. The change in law made by this Act applies only  
5 to an offense committed on or after the effective date of this Act.  
6 An offense committed before the effective date of this Act is  
7 governed by the law in effect on the date the offense was committed,  
8 and the former law is continued in effect for that purpose. For  
9 purposes of this section, an offense was committed before the  
10 effective date of this Act if any element of the offense occurred  
11 before that date.

12 SECTION 3. This Act takes effect September 1, 2015.