

By: Shaheen

H.B. No. 1355

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the consequences for an elected officer who threatens,
3 punishes, or intimidates a person based on the person's religious
4 beliefs; creating a criminal offense.

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

6 SECTION 1. Section 21.022(4), Local Government Code, is
7 amended to read as follows:

8 (4) "Official misconduct" means intentional unlawful
9 behavior relating to official duties by an officer entrusted with
10 the administration of justice or the execution of the law. The term
11 includes an intentional or corrupt failure, refusal, or neglect of
12 an officer to perform a duty imposed on the officer by law or the use
13 of an officer's office to threaten, punish, or intimidate an
14 individual based on the individual's religious beliefs.

15 SECTION 2. Subchapter C, Chapter 26, Local Government Code,
16 is amended by adding Section 26.048 to read as follows:

17 Sec. 26.048. REMOVAL FROM OFFICE FOR RELIGIOUS TARGETING.
18 An elected officer of a municipality may be removed from office
19 under the municipality's removal procedures for the use of the
20 officer's office to threaten, punish, or intimidate an individual
21 based on the individual's religious beliefs.

22 SECTION 3. Section 87.011(3), Local Government Code, is
23 amended to read as follows:

24 (3) "Official misconduct" means intentional, unlawful

1 behavior relating to official duties by an officer entrusted with
2 the administration of justice or the execution of the law. The term
3 includes an intentional or corrupt failure, refusal, or neglect of
4 an officer to perform a duty imposed on the officer by law or the use
5 of an officer's office to threaten, punish, or intimidate an
6 individual based on the individual's religious beliefs.

7 SECTION 4. Section 39.03(a), Penal Code, is amended to read
8 as follows:

9 (a) A public servant acting under color of his office or
10 employment commits an offense if he:

11 (1) intentionally subjects another to mistreatment or
12 to arrest, detention, search, seizure, dispossession, assessment,
13 or lien that he knows is unlawful;

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

17 (3) intentionally subjects another to sexual
18 harassment; or

19 (4) is an elected officer and intentionally threatens,
20 punishes, or intimidates another based on the other's religious
21 beliefs.

22 SECTION 5. This Act takes effect September 1, 2015.