

By: Shaheen

H.B. No. 2687

A BILL TO BE ENTITLED

1 AN ACT
2 relating to persons who are public servants for purposes of the
3 offenses of official oppression and misuse of official information;
4 creating offenses.

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

6 SECTION 1. Section 39.03, Penal Code, is amended by adding
7 Subsection (c-1) to read as follows:

8 (c-1) For purposes of this section, "public servant"
9 includes:

10 (1) an officer, employee, or agent of:

11 (A) the United States;

12 (B) a branch, department, or agency of the United
13 States; or

14 (C) another person acting under a contract with a
15 branch, department, or agency of the United States to provide a
16 security or law enforcement service; or

17 (2) any other person acting under color of federal
18 law.

19 SECTION 2. Section 39.06, Penal Code, is amended by adding
20 Subsection (d-1) to read as follows:

21 (d-1) For purposes of this section, "public servant"
22 includes:

23 (1) an officer, employee, or agent of:

24 (A) the United States;

1 (B) a branch, department, or agency of the United
2 States; or

3 (C) another person acting under a contract with a
4 branch, department, or agency of the United States to provide a
5 security or law enforcement service; or

6 (2) any other person acting under color of federal
7 law.

8 SECTION 3. This Act shall be construed, as a matter of state
9 law, to be enforceable up to but no further than the maximum
10 possible extent consistent with federal constitutional
11 requirements, even if that construction is not readily apparent,
12 and such constructions are authorized only to the extent necessary
13 to save the statute from judicial invalidation.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense occurred
21 before that date.

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