

By: Howard

H.B. No. 261

A BILL TO BE ENTITLED

AN ACT

1
2 relating to enhanced penalties for assault of employees of or
3 volunteers for certain clinics or facilities that provide abortion
4 or family planning services.

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

6 SECTION 1. Section 22.01, Penal Code, is amended by
7 amending Subsection (b) and adding Subsection (d-1) to read as
8 follows:

9 (b) An offense under Subsection (a)(1) is a Class A
10 misdemeanor, except that the offense is a felony of the third degree
11 if the offense is committed against:

12 (1) a person the actor knows is a public servant while
13 the public servant is lawfully discharging an official duty, or in
14 retaliation or on account of an exercise of official power or
15 performance of an official duty as a public servant;

16 (2) a person whose relationship to or association with
17 the defendant is described by Section 71.0021(b), 71.003, or
18 71.005, Family Code, if:

19 (A) it is shown on the trial of the offense that
20 the defendant has been previously convicted of an offense under
21 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
22 against a person whose relationship to or association with the
23 defendant is described by Section 71.0021(b), 71.003, or 71.005,
24 Family Code; or

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

5 (3) a person who contracts with government to perform
6 a service in a facility as defined by Section 1.07(a)(14), Penal
7 Code, or Section 51.02(13) or (14), Family Code, or an employee of
8 that person:

9 (A) while the person or employee is engaged in
10 performing a service within the scope of the contract, if the actor
11 knows the person or employee is authorized by government to provide
12 the service; or

13 (B) in retaliation for or on account of the
14 person's or employee's performance of a service within the scope of
15 the contract;

16 (4) a person the actor knows is a security officer
17 while the officer is performing a duty as a security officer; ~~[or]~~

18 (5) a person the actor knows is emergency services
19 personnel while the person is providing emergency services; or

20 (6) a person the actor knows is an employee of or
21 volunteer for a clinic or facility that provides abortion or family
22 planning services while the person is performing a duty for the
23 clinic or facility.

24 (d-1) For purposes of Subsection (b)(6), the actor is
25 presumed to have known the person assaulted was an employee of or
26 volunteer for a clinic or facility described by that subdivision if
27 the person was wearing a conspicuous badge or name tag or

1 distinctive clothing that would identify the person as an employee
2 or volunteer.

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

11 SECTION 3. This Act takes effect September 1, 2017.