

By: Raymond

H.B. No. 1919

A BILL TO BE ENTITLED

AN ACT

relating to increasing the punishment for an offense committed against a person because of bias or prejudice on the basis of service as a peace officer, a firefighter, or emergency medical services personnel and to the confidentiality of personal information regarding certain persons who provide that service.

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

SECTION 1. Articles 42.014(a) and (c), Code of Criminal Procedure, are amended to read as follows:

(a) In the trial of an offense under Title 5, Penal Code, or Section 28.02, 28.03, or 28.08, Penal Code, the judge shall make an affirmative finding of fact and enter the affirmative finding in the judgment of the case if at the guilt or innocence phase of the trial, the judge or the jury, whichever is the trier of fact, determines beyond a reasonable doubt that the defendant intentionally selected the person against whom the offense was committed, or intentionally selected the person's property that was damaged or affected as a result of the offense, because of the defendant's bias or prejudice against a group identified by race, color, disability, religion, national origin or ancestry, age, gender, or sexual preference or by service as a peace officer, a firefighter, or emergency medical services personnel.

(c) In this article:

(1) "Emergency medical services personnel" has the

1 meaning assigned by Section 773.003, Health and Safety Code, and  
2 includes active and retired personnel.

3 (2) "Firefighter" means a person who is a paid or  
4 volunteer firefighter and includes an active or retired  
5 firefighter.

6 (3) "Peace officer" means an active or retired peace  
7 officer, as that term is defined under Article 2.12.

8 (4) "Sexual [~~,"sexual~~ preference" has the following  
9 meaning only: a preference for heterosexuality, homosexuality, or  
10 bisexuality.

11 SECTION 2. Section 552.117(a), Government Code, is amended  
12 to read as follows:

13 (a) Information is excepted from the requirements of  
14 Section 552.021 if it is information that relates to the home  
15 address, home telephone number, emergency contact information, or  
16 social security number of the following person or that reveals  
17 whether the person has family members:

18 (1) a current or former official or employee of a  
19 governmental body, except as otherwise provided by Section 552.024;

20 (2) a current or former peace officer as defined by  
21 Article 2.12, Code of Criminal Procedure, or ~~[a]~~ security officer  
22 commissioned under Section 51.212, Education Code, regardless of  
23 whether the officer complies with Section 552.024 or 552.1175, as  
24 applicable;

25 (3) a current or former employee of the Texas  
26 Department of Criminal Justice or of the predecessor in function of  
27 the department or any division of the department, regardless of

whether the current or former employee complies with Section 552.1175;

(4) a peace officer as defined by Article 2.12, Code of Criminal Procedure, or other law, a reserve law enforcement officer, a commissioned deputy game warden, or a corrections officer in a municipal, county, or state penal institution in this state who was killed in the line of duty, regardless of whether the deceased complied with Section 552.024 or 552.1175;

(5) a commissioned security officer as defined by Section 1702.002, Occupations Code, regardless of whether the officer complies with Section 552.024 or 552.1175, as applicable;

(6) an officer or employee of a community supervision and corrections department established under Chapter 76 who performs a duty described by Section 76.004(b), regardless of whether the officer or employee complies with Section 552.024 or 552.1175;

(7) a current or former employee of the office of the attorney general who is or was assigned to a division of that office the duties of which involve law enforcement, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(8) a current or former employee of the Texas Juvenile Justice Department or of the predecessors in function of the department, regardless of whether the current or former employee complies with Section 552.024 or 552.1175;

(9) a current or former juvenile probation or supervision officer certified by the Texas Juvenile Justice

1 Department, or the predecessors in function of the department,  
2 under Title 12, Human Resources Code, regardless of whether the  
3 current or former officer complies with Section 552.024 or  
4 552.1175;

5 (10) a current or former employee of a juvenile  
6 justice program or facility, as those terms are defined by Section  
7 261.405, Family Code, regardless of whether the current or former  
8 employee complies with Section 552.024 or 552.1175; ~~or~~

9 (11) a current or former member of the Texas military  
10 forces, as that term is defined by Section 437.001; or

11 (12) a current or former firefighter or current or  
12 former emergency medical services personnel, as those terms are  
13 defined by Article 42.014, Code of Criminal Procedure, regardless  
14 of whether the person complies with Section 552.024 or 552.1175, as  
15 applicable.

16 SECTION 3. The heading to Section 552.1175, Government  
17 Code, is amended to read as follows:

18 Sec. 552.1175. CONFIDENTIALITY OF CERTAIN PERSONAL  
19 IDENTIFYING INFORMATION OF PEACE OFFICERS, COUNTY JAILERS,  
20 SECURITY OFFICERS, EMPLOYEES OF CERTAIN CRIMINAL OR JUVENILE  
21 JUSTICE AGENCIES OR OFFICES, FIREFIGHTERS, EMERGENCY MEDICAL  
22 SERVICES PERSONNEL, AND FEDERAL AND STATE JUDGES.

23 SECTION 4. Section 552.1175(a), Government Code, is amended  
24 to read as follows:

25 (a) This section applies only to:

26 (1) current or former peace officers as defined by  
27 Article 2.12, Code of Criminal Procedure;

1           (2) county jailers as defined by Section [1701.001](#),  
2 Occupations Code;

3           (3) current or former employees of the Texas  
4 Department of Criminal Justice or of the predecessor in function of  
5 the department or any division of the department;

6           (4) commissioned security officers as defined by  
7 Section [1702.002](#), Occupations Code;

8           (5) employees of a district attorney, criminal  
9 district attorney, or county or municipal attorney whose  
10 jurisdiction includes any criminal law or child protective services  
11 matters;

12           (6) officers and employees of a community supervision  
13 and corrections department established under Chapter [76](#) who perform  
14 a duty described by Section [76.004](#)(b);

15           (7) criminal investigators of the United States as  
16 described by Article [2.122](#)(a), Code of Criminal Procedure;

17           (8) police officers and inspectors of the United  
18 States Federal Protective Service;

19           (9) current and former employees of the office of the  
20 attorney general who are or were assigned to a division of that  
21 office the duties of which involve law enforcement;

22           (10) current or former juvenile probation and  
23 detention officers certified by the Texas Juvenile Justice  
24 Department, or the predecessors in function of the department,  
25 under Title 12, Human Resources Code;

26           (11) current or former employees of a juvenile justice  
27 program or facility, as those terms are defined by Section [261.405](#),

1 Family Code;

2 (12) current or former employees of the Texas Juvenile  
3 Justice Department or the predecessors in function of the  
4 department; ~~and~~

5 (13) current or former firefighters or emergency  
6 medical services personnel, as those terms are defined by Article  
7 42.014, Code of Criminal Procedure; and

8 (14) federal judges and state judges as defined by  
9 Section 13.0021, Election Code.

10 SECTION 5. Section 12.47, Penal Code, is amended to read as  
11 follows:

12 Sec. 12.47. PENALTY IF OFFENSE COMMITTED BECAUSE OF BIAS OR  
13 PREJUDICE. (a) If an affirmative finding under Article 42.014,  
14 Code of Criminal Procedure, is made in the trial of an offense other  
15 than a first degree felony or a Class A misdemeanor, the punishment  
16 for the offense is increased to the punishment prescribed for the  
17 next highest category of offense. If the offense is a Class A  
18 misdemeanor, the minimum term of confinement for the offense is  
19 increased to 180 days.

20 (b) This section does not apply to the trial of:

21 (1) an offense of injury to a disabled individual  
22 under Section ~~[Sec.]~~ 22.04, if the affirmative finding in the case  
23 under Article 42.014, Code of Criminal Procedure, shows that the  
24 defendant intentionally selected the victim because the victim was  
25 disabled; or

26 (2) an offense for which the punishment is subject to  
27 enhancement based on the victim's service as a peace officer, a

1 firefighter, or emergency medical services personnel, as those  
2 terms are defined by Article 42.014, Code of Criminal Procedure.

3 (c) ~~[(b)]~~ The attorney general, if requested to do so by a  
4 prosecuting attorney, may assist the prosecuting attorney in the  
5 investigation or prosecution of an offense committed because of  
6 bias or prejudice. The attorney general shall designate one  
7 individual in the division of the attorney general's office that  
8 assists in the prosecution of criminal cases to coordinate  
9 responses to requests made under this subsection.

10 SECTION 6. Section 25.025(a), Tax Code, is amended to read  
11 as follows:

12 (a) This section applies only to:

13 (1) a current or former peace officer as defined by  
14 Article 2.12, Code of Criminal Procedure;

15 (2) a county jailer as defined by Section 1701.001,  
16 Occupations Code;

17 (3) an employee of the Texas Department of Criminal  
18 Justice;

19 (4) a commissioned security officer as defined by  
20 Section 1702.002, Occupations Code;

21 (5) a victim of family violence as defined by Section  
22 71.004, Family Code, if as a result of the act of family violence  
23 against the victim, the actor is convicted of a felony or a Class A  
24 misdemeanor;

25 (6) a federal judge, a state judge, or the spouse of a  
26 federal judge or state judge;

27 (7) a current or former employee of a district

1 attorney, criminal district attorney, or county or municipal  
2 attorney whose jurisdiction includes any criminal law or child  
3 protective services matters;

4 (8) an officer or employee of a community supervision  
5 and corrections department established under Chapter 76,  
6 Government Code, who performs a duty described by Section 76.004(b)  
7 of that code;

8 (9) a criminal investigator of the United States as  
9 described by Article 2.122(a), Code of Criminal Procedure;

10 (10) a police officer or inspector of the United  
11 States Federal Protective Service;

12 (11) a current or former United States attorney or  
13 assistant United States attorney and the spouse and child of the  
14 attorney;

15 (12) a current or former employee of the office of the  
16 attorney general who is or was assigned to a division of that office  
17 the duties of which involve law enforcement;

18 (13) a medical examiner or person who performs  
19 forensic analysis or testing who is employed by this state or one or  
20 more political subdivisions of this state;

21 (14) a current or former member of the United States  
22 armed forces who has served in an area that the president of the  
23 United States by executive order designates for purposes of 26  
24 U.S.C. Section 112 as an area in which armed forces of the United  
25 States are or have engaged in combat;

26 (15) a current or former employee of the Texas  
27 Juvenile Justice Department or of the predecessors in function of



1 the department;

2 (16) a current or former juvenile probation or  
3 supervision officer certified by the Texas Juvenile Justice  
4 Department, or the predecessors in function of the department,  
5 under Title 12, Human Resources Code; ~~and~~

6 (17) a current or former employee of a juvenile  
7 justice program or facility, as those terms are defined by Section  
8 [261.405](#), Family Code; and

9 (18) a current or former firefighter or current or  
10 former emergency medical services personnel, as those terms are  
11 defined by Article [42.014](#), Code of Criminal Procedure.

12 SECTION 7. Article [42.014](#), Code of Criminal Procedure, as  
13 amended by this Act, and Section 12.47, Penal Code, as amended by  
14 this Act, apply only to an offense committed on or after the  
15 effective date of this Act. An offense committed before the  
16 effective date of this Act is governed by the law in effect on the  
17 date the offense was committed, and the former law is continued in  
18 effect for that purpose. For purposes of this section, an offense  
19 was committed before the effective date of this Act if any element  
20 of the offense occurred before that date.

21 SECTION 8. This Act takes effect September 1, 2017.