

By: Capriglione

H.B. No. 2316

A BILL TO BE ENTITLED

AN ACT

relating to increasing the penalty for assault of certain pregnant women.

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

SECTION 1. Section 22.01(b), Penal Code, is amended to read as follows:

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

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

(2) a person whose relationship to or association with the actor [~~defendant~~] is described by Section 71.0021(b), 71.003, or 71.005, Family Code, if:

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

(B) the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or

1 circulation of the blood of the person by applying pressure to the
2 person's throat or neck or by blocking the person's nose or mouth;
3 or

4 (C) the person is pregnant at the time of the
5 offense and the actor knows or should have known that fact;

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

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

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

17 (4) a person the actor knows is a security officer
18 while the officer is performing a duty as a security officer; or

19 (5) a person the actor knows is emergency services
20 personnel while the person is providing emergency services.

21 SECTION 2. The change in law made by this Act applies only
22 to an offense committed on or after the effective date of this Act.
23 An offense committed before the effective date of this Act is
24 governed by the law in effect on the date the offense was committed,
25 and the former law is continued in effect for that purpose. For
26 purposes of this section, an offense was committed before the
27 effective date of this Act if any element of the offense occurred

1 before that date.

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