

By: Hunter

H.B. No. 2908

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the punishment for an offense committed
3 against a person because of bias or prejudice on the basis of
4 service as a peace officer and to an education campaign regarding
5 the importance of peace officers in the community.

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

7 SECTION 1. Article 42.014(a), Code of Criminal Procedure,
8 is amended to read as follows:

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

21 SECTION 2. Subchapter D, Chapter 1701, Occupations Code, is
22 amended by adding Section 1701.166 to read as follows:

23 Sec. 1701.166. EDUCATION CAMPAIGN. (a) The commission
24 shall develop and implement a campaign to educate children in this

1 state on the value that peace officers bring to a community.

2 (b) The commission may collaborate with any relevant state
3 agency in developing and implementing the campaign under this
4 section.

5 SECTION 3. Section 12.47, Penal Code, is amended to read as
6 follows:

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

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

16 (1) an offense of injury to a disabled individual
17 under Section [Sec.] 22.04, if the affirmative finding in the case
18 under Article 42.014, Code of Criminal Procedure, shows that the
19 defendant intentionally selected the victim because the victim was
20 disabled; or

21 (2) an offense for which the punishment is subject to
22 enhancement based on the victim's service as a peace officer.

23 (c) [~~(b)~~] The attorney general, if requested to do so by a
24 prosecuting attorney, may assist the prosecuting attorney in the
25 investigation or prosecution of an offense committed because of
26 bias or prejudice. The attorney general shall designate one
27 individual in the division of the attorney general's office that

1 assists in the prosecution of criminal cases to coordinate
2 responses to requests made under this subsection.

3 SECTION 4. Section 20.02(c), Penal Code, is amended to read
4 as follows:

5 (c) An offense under this section is a Class A misdemeanor,
6 except that the offense is:

7 (1) a state jail felony if the person restrained was a
8 child younger than 17 years of age; ~~or~~

9 (2) a felony of the third degree if:

10 (A) the actor recklessly exposes the victim to a
11 substantial risk of serious bodily injury;

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

17 (C) the actor while in custody restrains any
18 other person; or

19 (3) notwithstanding Subdivision (2)(B), a felony of
20 the second degree if the actor restrains an individual the actor
21 knows is a peace officer while the officer is lawfully discharging
22 an official duty or in retaliation or on account of an exercise of
23 official power or performance of an official duty as a peace
24 officer.

25 SECTION 5. Section 22.01, Penal Code, is amended by adding
26 Subsection (b-2) to read as follows:

27 (b-2) Notwithstanding Subsection (b)(1), an offense under

1 Subsection (a)(1) is a felony of the second degree if the offense is
2 committed against a person the actor knows is a peace officer while
3 the officer is lawfully discharging an official duty or in
4 retaliation or on account of an exercise of official power or
5 performance of an official duty as a peace officer.

6 SECTION 6. Section 22.07, Penal Code, is amended by adding
7 Subsection (c-1) to read as follows:

8 (c-1) Notwithstanding Subsection (c)(2), an offense under
9 Subsection (a)(2) is a state jail felony if the offense is committed
10 against a person the actor knows is a peace officer.

11 SECTION 7. Section 49.09(b-1), Penal Code, is amended to
12 read as follows:

13 (b-1) An offense under Section 49.07 is:

14 (1) a felony of the second degree if it is shown on the
15 trial of the offense that the person caused serious bodily injury to
16 [~~a peace officer,~~] a firefighter[~~7~~] or emergency medical services
17 personnel while in the actual discharge of an official duty; or

18 (2) a felony of the first degree if it is shown on the
19 trial of the offense that the person caused serious bodily injury to
20 a peace officer while the officer was in the actual discharge of an
21 official duty.

22 SECTION 8. The changes in law made by this Act apply only to
23 an offense committed on or after the effective date of this Act. An
24 offense committed before the effective date of this Act is governed
25 by the law in effect on the date the offense was committed, and the
26 former law is continued in effect for that purpose. For purposes of
27 this section, an offense was committed before the effective date of

1 this Act if any element of the offense occurred before that date.

2 SECTION 9. This Act takes effect September 1, 2017.