

By: Miles

S.B. No. 487

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to increasing the criminal penalty prescribed for certain  
3 acts of official oppression.

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

5 SECTION 1. Section 39.03, Penal Code, is amended by  
6 amending Subsection (d) and adding Subsections (e), (f), and (g) to  
7 read as follows:

8 (d) Except as otherwise provided by this section, an [An]  
9 offense under this section is a Class A misdemeanor.

10 (e) An [~~, except that an~~] offense under this section is a  
11 felony of the third degree if the public servant acted with the  
12 intent to impair the accuracy of data reported to the Texas  
13 Education Agency through the Public Education Information  
14 Management System (PEIMS) described by Section 42.006, Education  
15 Code, under a law requiring that reporting.

16 (f) An offense under this section is a felony of the second  
17 degree if the public servant, at the time of the commission of the  
18 offense, was a licensed peace officer and:

19 (1) caused bodily injury to another or threatened  
20 another with imminent bodily injury; and

21 (2) while engaging in the conduct described by  
22 Subdivision (1):

23 (A) caused serious bodily injury to another; or

24 (B) used or exhibited a deadly weapon.

1        (g) If conduct constituting an offense under this section  
2 also constitutes an offense under another section of this code, the  
3 actor may be prosecuted under either section or both sections.

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

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