

By: Canales, Hunter, Zedler, Moody, Murr

H.B. No. 27

A BILL TO BE ENTITLED

1 AN ACT

2 relating to increasing the criminal penalty for assault or
3 aggravated assault of a federal law enforcement officer.

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

5 SECTION 1. Sections 22.01(b) and (d), Penal Code, are
6 amended to read as follows:

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

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

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

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

23 (B) the offense is committed by intentionally,
24 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 (3) a person who contracts with government to perform
4 a service in a facility as defined by Section 1.07(a)(14), Penal
5 Code, or Section 51.02(13) or (14), Family Code, or an employee of
6 that person:

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

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

14 (4) a person the actor knows is a security officer
15 while the officer is performing a duty as a security officer;

16 (5) a person the actor knows is emergency services
17 personnel while the person is providing emergency services; ~~or~~

18 (6) a pregnant individual to force the individual to
19 have an abortion; or

20 (7) a person the actor knows is a federal law
21 enforcement officer while the officer is lawfully discharging an
22 official duty, or in retaliation or on account of an exercise of
23 official power or performance of an official duty as a federal law
24 enforcement officer.

25 (d) For purposes of Subsection (b), the actor is presumed to
26 have known the person assaulted was a public servant, a federal law
27 enforcement officer, a security officer, or emergency services

1 personnel if the person was wearing a distinctive uniform or badge
2 indicating the person's employment as a public servant or federal
3 law enforcement officer or status as a security officer or
4 emergency services personnel.

5 SECTION 2. Section 22.01(e), Penal Code, is amended by
6 adding Subdivision (2) to read as follows:

7 (2) "Federal law enforcement officer" means any
8 officer, agent, or employee of the United States authorized by
9 federal law or by an agency of the federal government to engage in
10 or supervise the prevention, detection, or investigation of any
11 violation of federal criminal law.

12 SECTION 3. Sections 22.02(b), (c), and (d), Penal Code, are
13 amended to read as follows:

14 (b) An offense under this section is a felony of the second
15 degree, except that the offense is a felony of the first degree if:

16 (1) the actor uses a deadly weapon during the
17 commission of the assault and causes serious bodily injury to a
18 person whose relationship to or association with the defendant is
19 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

20 (2) regardless of whether the offense is committed
21 under Subsection (a)(1) or (a)(2), the offense is committed:

22 (A) by a public servant acting under color of the
23 servant's office or employment;

24 (B) against a person the actor knows is a public
25 servant while the public servant is lawfully discharging an
26 official duty, or in retaliation or on account of an exercise of
27 official power or performance of an official duty as a public

1 servant;

2 (C) in retaliation against or on account of the
3 service of another as a witness, prospective witness, informant, or
4 person who has reported the occurrence of a crime; [~~or~~]

5 (D) against a person the actor knows is a
6 security officer while the officer is performing a duty as a
7 security officer; or

8 (E) against a person the actor knows is a federal
9 law enforcement officer while the officer is lawfully discharging
10 an official duty, or in retaliation or on account of an exercise of
11 official power or performance of an official duty as a federal law
12 enforcement officer; or

13 (3) the actor is in a motor vehicle, as defined by
14 Section 501.002, Transportation Code, and:

15 (A) knowingly discharges a firearm at or in the
16 direction of a habitation, building, or vehicle;

17 (B) is reckless as to whether the habitation,
18 building, or vehicle is occupied; and

19 (C) in discharging the firearm, causes serious
20 bodily injury to any person.

21 (c) The actor is presumed to have known the person assaulted
22 was a public servant, a federal law enforcement officer, or a
23 security officer if the person was wearing a distinctive uniform or
24 badge indicating the person's employment as a public servant or
25 federal law enforcement officer or status as a security officer.

26 (d) In this section, "federal law enforcement officer" and
27 "security officer" have the meanings assigned by Section 22.01

1 ~~[means a commissioned security officer as defined by Section~~
2 ~~1702.002, Occupations Code, or a noncommissioned security officer~~
3 ~~registered under Section 1702.221, Occupations Code].~~

4 SECTION 4. 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 5. This Act takes effect September 1, 2019.