

By: Landgraf, Phelan, Holland, Noble, Button,  
et al.

H.B. No. 902

Substitute the following for H.B. No. 902:

By: Bell of Kaufman

C.S.H.B. No. 902

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to increasing the criminal penalty for assault of a  
3 pregnant woman.

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

5 SECTION 1. Section 22.01(b), Penal Code, is amended to read  
6 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 pregnant at the time of  
21 the offense.

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

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

3 SECTION 3. This Act takes effect September 1, 2019.