

1-1 By: Landgraf, et al. (Senate Sponsor - Huffman) H.B. No. 902  
 1-2 (In the Senate - Received from the House April 23, 2019;  
 1-3 April 24, 2019, read first time and referred to Committee on  
 1-4 Criminal Justice; May 15, 2019, reported favorably by the  
 1-5 following vote: Yeas 6, Nays 0; May 15, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Buckingham	X			
1-10 Flores	X			
1-11 Hughes			X	
1-12 Miles	X			
1-13 Perry	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to increasing the criminal penalty for assault of a  
 1-18 pregnant woman.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 22.01(b), Penal Code, is amended to read  
 1-21 as follows:

1-22 (b) An offense under Subsection (a)(1) is a Class A  
 1-23 misdemeanor, except that the offense is a felony of the third degree  
 1-24 if the offense is committed against:

1-25 (1) a person the actor knows is a public servant while  
 1-26 the public servant is lawfully discharging an official duty, or in  
 1-27 retaliation or on account of an exercise of official power or  
 1-28 performance of an official duty as a public servant;

1-29 (2) a person whose relationship to or association with  
 1-30 the defendant is described by Section 71.0021(b), 71.003, or  
 1-31 71.005, Family Code, if:

1-32 (A) it is shown on the trial of the offense that  
 1-33 the defendant has been previously convicted of an offense under  
 1-34 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11  
 1-35 against a person whose relationship to or association with the  
 1-36 defendant is described by Section 71.0021(b), 71.003, or 71.005,  
 1-37 Family Code; or

1-38 (B) the offense is committed by intentionally,  
 1-39 knowingly, or recklessly impeding the normal breathing or  
 1-40 circulation of the blood of the person by applying pressure to the  
 1-41 person's throat or neck or by blocking the person's nose or mouth;

1-42 (3) a person who contracts with government to perform  
 1-43 a service in a facility as defined by Section 1.07(a)(14), Penal  
 1-44 Code, or Section 51.02(13) or (14), Family Code, or an employee of  
 1-45 that person:

1-46 (A) while the person or employee is engaged in  
 1-47 performing a service within the scope of the contract, if the actor  
 1-48 knows the person or employee is authorized by government to provide  
 1-49 the service; or

1-50 (B) in retaliation for or on account of the  
 1-51 person's or employee's performance of a service within the scope of  
 1-52 the contract;

1-53 (4) a person the actor knows is a security officer  
 1-54 while the officer is performing a duty as a security officer;

1-55 (5) a person the actor knows is emergency services  
 1-56 personnel while the person is providing emergency services; ~~or~~

1-57 (6) a pregnant individual to force the individual to  
 1-58 have an abortion; or

1-59 (7) a person the actor knows is pregnant at the time of  
 1-60 the offense.

1-61 SECTION 2. The change in law made by this Act applies only

2-1 to an offense committed on or after the effective date of this Act.  
2-2 An offense committed before the effective date of this Act is  
2-3 governed by the law in effect on the date the offense was committed,  
2-4 and the former law is continued in effect for that purpose. For  
2-5 purposes of this section, an offense was committed before the  
2-6 effective date of this Act if any element of the offense occurred  
2-7 before that date.

2-8 SECTION 3. This Act takes effect September 1, 2019.

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