

By: Rosenthal

H.B. No. 1870

A BILL TO BE ENTITLED

1 AN ACT
2 relating to prohibiting certain conduct intended to intimidate or
3 interfere with a person seeking or providing health care services
4 or attending an established place of religious worship; increasing
5 a criminal penalty.

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

7 SECTION 1. Section 42.01(d), Penal Code, is amended to read
8 as follows:

9 (d) An offense under this section is a Class C misdemeanor,
10 except that the offense is a Class B misdemeanor if the offense was
11 [unless] committed:

12 (1) under Subsection (a)(7) or (a)(8); or
13 (2) under Subsection (a)(4), if the actor engaged in
14 the prohibited conduct with the intent to intimidate or interfere
15 with a person seeking or providing health care services or
16 attending an established place of religious worship[, in which
17 event it is a Class B misdemeanor].

18 SECTION 2. Section 42.04, Penal Code, is amended by
19 amending Subsections (a) and (c) and adding Subsection (d) to read
20 as follows:

21 (a) Except as provided by Subsection (d), if [if] conduct
22 that would otherwise violate Section 42.01(a)(5) (Unreasonable
23 Noise), 42.03 (Obstructing Passageway), or 42.055 (Funeral Service
24 Disruptions) consists of speech or other communication, of

1 gathering with others to hear or observe such speech or
2 communication, or of gathering with others to picket or otherwise
3 express in a nonviolent manner a position on social, economic,
4 political, or religious questions, the actor must be ordered to
5 move, disperse, or otherwise remedy the violation prior to his
6 arrest if he has not yet intentionally harmed the interests of
7 others which those sections seek to protect.

8 (c) Except as provided by Subsection (d), it [~~It~~] is a
9 defense to prosecution under Section 42.01(a)(5), 42.03, or 42.055:

10 (1) that in circumstances in which this section
11 requires an order no order was given;

12 (2) that an order, if given, was manifestly
13 unreasonable in scope; or

14 (3) that an order, if given, was promptly obeyed.

15 (d) An order under Subsection (a) is not required, and the
16 defense provided under Subsection (c) does not apply, in the
17 prosecution of an offense under Section 42.03 if the actor engaged
18 in the prohibited conduct with respect to the entry of a health care
19 facility or established place of religious worship and with the
20 intent to intimidate or interfere with a person seeking or
21 providing health care services at the facility or attending the
22 place of worship, as applicable.

23 SECTION 3. The change in law made by this Act applies only to
24 an offense committed on or after the effective date of this Act. An
25 offense committed before the effective date of this Act is governed
26 by the law in effect on the date the offense was committed, and the
27 former law is continued in effect for that purpose. For purposes of

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1 this section, an offense was committed before the effective date of
2 this Act if any element of the offense occurred before that date.

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