

By: Rodriguez

H.B. No. 4453

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of retaliation involving immigration status.

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

SECTION 1. Chapter 36, Penal Code, is amended by adding Section 36.061 to read as follows:

Sec. 36.061. RETALIATION INVOLVING IMMIGRATION STATUS. (a)

A person commits an offense if the person, with the intent to prevent or delay the service of another as a prospective informant or witness, intentionally or knowingly:

(1) reports or threatens to report the other person's immigration status to United States Immigration and Customs Enforcement or another law enforcement agency; or

(2) destroys or withholds, or threatens to destroy or withhold, a form of government-issued identifying documentation issued to the other person.

(b) Except as provided by Subsection (c), an offense under this section is a felony of the third degree.

(c) An offense under this section is a felony of the second degree if the victim was a prospective informant in the investigation of, or a prospective witness in the prosecution of, an offense:

(1) involving family violence, as defined by Section 71.004, Family Code; or

1           (2) under Section 20A.02, 20A.03, 21.02, 21.11,  
2 22.011, or 22.021, Penal Code.

3           (d) If conduct that constitutes an offense under this  
4 section also constitutes an offense under any other law, the actor  
5 may be prosecuted under this section or the other law.

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

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