By:  Shine, González of Dallas H.B. No. 624

     (Senate Sponsor - Campbell)

(In the Senate - Received from the House May 3, 2021; May 10, 2021, read first time and referred to Committee on Criminal Justice; May 22, 2021, reported favorably by the following vote: Yeas 7, Nays 0; May 22, 2021, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Whitmire        X

Huffman         X

Bettencourt     X

Birdwell        X

Hinojosa        X

Miles           X

Nichols         X

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant.

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

SECTION 1.  Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.501 to read as follows:

Sec. 12.501.  PENALTY FOR CERTAIN OFFENSES COMMITTED IN RETALIATION FOR OR ON ACCOUNT OF PERSON'S SERVICE OR STATUS AS PUBLIC SERVANT. (a) In this section, "public servant" has the meaning assigned by Section 36.06.

(b)  Subject to Subsection (d), the punishment for an offense described by Subsection (c) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that:

(1)  the offense:

(A)  was committed against a person the actor knows is a public servant or a member of a public servant's family or household; or

(B)  involves property that the actor knows belongs to, is under the control of, or is lawfully possessed by a public servant; and

(2)  the offense was committed in retaliation for or on account of the service or status of the person as a public servant.

(c)  The increase in punishment authorized by this section applies only to:

(1)  an offense under Section 21.16, 21.18, 21.19, 22.011, 28.02, 28.03, 30.05, 33.02, 42.07, or 42.072; or

(2)  an offense under Section 32.51, other than an offense punishable under Subsection (c-1) of that section.

(d)  If an offense described by Subsection (c) is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. If an offense described by Subsection (c) is punishable as a felony of the first degree, the punishment for that offense may not be increased under this section.

(e)  For purposes of this section, "member of a public servant's family" means a person related to the public servant within the second degree of consanguinity.

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

SECTION 3.  This Act takes effect September 1, 2021.

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