

By: Shine

H.B. No. 624

A BILL TO BE ENTITLED

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

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

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

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

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

16 (1) the offense:

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

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

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

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

3 (1) an offense under Section 21.16, 21.18, 21.19,
4 22.011, 28.02, 28.03, 30.05, 33.02, 42.07, or 42.072; or

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

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

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

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

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