

By: Swanson, Dominguez, Pacheco, et al.

H.B. No. 1306

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the criminal penalty for assault or
3 aggravated assault of a process server.

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

5 SECTION 1. Section 22.01(b), Penal Code, is amended to read
6 as follows:

7 (b) An offense under Subsection (a)(1) is a Class A
8 misdemeanor, except that the offense is a felony of the third degree
9 if the offense is committed against:

10 (1) a person the actor knows is a public servant while
11 the public servant is lawfully discharging an official duty, or in
12 retaliation or on account of an exercise of official power or
13 performance of an official duty as a public servant;

14 (2) a person whose relationship to or association with
15 the defendant is described by Section 71.0021(b), 71.003, or
16 71.005, Family Code, if:

17 (A) it is shown on the trial of the offense that
18 the defendant has been previously convicted of an offense under
19 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
20 against a person whose relationship to or association with the
21 defendant is described by Section 71.0021(b), 71.003, or 71.005,
22 Family Code; or

23 (B) the offense is committed by intentionally,
24 knowingly, or recklessly impeding the normal breathing or

1 circulation of the blood of the person by applying pressure to the
2 person's throat or neck or by blocking the person's nose or mouth;

3 (3) a person who contracts with government to perform
4 a service in a facility as defined by Section 1.07(a)(14), Penal
5 Code, or Section 51.02(13) or (14), Family Code, or an employee of
6 that person:

7 (A) while the person or employee is engaged in
8 performing a service within the scope of the contract, if the actor
9 knows the person or employee is authorized by government to provide
10 the service; or

11 (B) in retaliation for or on account of the
12 person's or employee's performance of a service within the scope of
13 the contract;

14 (4) a person the actor knows is a security officer
15 while the officer is performing a duty as a security officer;

16 (5) a person the actor knows is emergency services
17 personnel while the person is providing emergency services;

18 (6) a person the actor knows is a process server while
19 the person is performing a duty as a process server;

20 (7) a pregnant individual to force the individual to
21 have an abortion; or

22 (8) [~~7~~] a person the actor knows is pregnant at the
23 time of the offense.

24 SECTION 2. Section 22.01(e), Penal Code, is amended by
25 adding Subdivision (2) to read as follows:

26 (2) "Process server" has the meaning assigned by
27 Section 156.001, Government Code.

1 SECTION 3. Sections 22.02(b) and (d), Penal Code, are
2 amended to read as follows:

3 (b) An offense under this section is a felony of the second
4 degree, except that the offense is a felony of the first degree if:

5 (1) the actor uses a deadly weapon during the
6 commission of the assault and causes serious bodily injury to a
7 person whose relationship to or association with the defendant is
8 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

9 (2) regardless of whether the offense is committed
10 under Subsection (a)(1) or (a)(2), the offense is committed:

11 (A) by a public servant acting under color of the
12 servant's office or employment;

13 (B) against a person the actor knows is a public
14 servant while the public servant is lawfully discharging an
15 official duty, or in retaliation or on account of an exercise of
16 official power or performance of an official duty as a public
17 servant;

18 (C) in retaliation against or on account of the
19 service of another as a witness, prospective witness, informant, or
20 person who has reported the occurrence of a crime; ~~[or]~~

21 (D) against a person the actor knows is a process
22 server while the person is performing a duty as a process server; or

23 (E) against a person the actor knows is a
24 security officer while the officer is performing a duty as a
25 security officer; or

26 (3) the actor is in a motor vehicle, as defined by
27 Section 501.002, Transportation Code, and:

1 (A) knowingly discharges a firearm at or in the
2 direction of a habitation, building, or vehicle;

3 (B) is reckless as to whether the habitation,
4 building, or vehicle is occupied; and

5 (C) in discharging the firearm, causes serious
6 bodily injury to any person.

7 (d) In this section:

8 (1) "Process server" has the meaning assigned by
9 Section 156.001, Government Code.

10 (2) "Security [,"~~—"security]~~ officer" means a
11 commissioned security officer as defined by Section 1702.002,
12 Occupations Code, or a noncommissioned security officer registered
13 under Section 1702.221, Occupations Code.

14 SECTION 4. The change in law made by this Act applies only
15 to an offense committed on or after the effective date of this Act.
16 An offense committed before the effective date of this Act is
17 governed by the law in effect on the date the offense was committed,
18 and the former law is continued in effect for that purpose. For
19 purposes of this section, an offense was committed before the
20 effective date of this Act if any element of the offense was
21 committed before that date.

22 SECTION 5. This Act takes effect September 1, 2021.