

1-1 By: Swanson, et al. (Senate Sponsor - Bettencourt) H.B. No. 1306
 1-2 (In the Senate - Received from the House May 17, 2021;
 1-3 May 17, 2021, read first time and referred to Committee on Criminal
 1-4 Justice; May 22, 2021, reported favorably by the following vote:
 1-5 Yeas 7, Nays 0; May 22, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			

1-15 A BILL TO BE ENTITLED
 1-16 AN ACT

1-17 relating to increasing the criminal penalty for assault or
 1-18 aggravated assault of a process server.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 22.01(b), Penal Code, is amended to read
 1-21 as follows:

1-22 (b) An offense under Subsection (a)(1) is a Class A
 1-23 misdemeanor, except that the offense is a felony of the third degree
 1-24 if the offense is committed against:

1-25 (1) a person the actor knows is a public servant while
 1-26 the public servant is lawfully discharging an official duty, or in
 1-27 retaliation or on account of an exercise of official power or
 1-28 performance of an official duty as a public servant;

1-29 (2) a person whose relationship to or association with
 1-30 the defendant is described by Section 71.0021(b), 71.003, or
 1-31 71.005, Family Code, if:

1-32 (A) it is shown on the trial of the offense that
 1-33 the defendant has been previously convicted of an offense under
 1-34 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
 1-35 against a person whose relationship to or association with the
 1-36 defendant is described by Section 71.0021(b), 71.003, or 71.005,
 1-37 Family Code; or

1-38 (B) the offense is committed by intentionally,
 1-39 knowingly, or recklessly impeding the normal breathing or
 1-40 circulation of the blood of the person by applying pressure to the
 1-41 person's throat or neck or by blocking the person's nose or mouth;

1-42 (3) a person who contracts with government to perform
 1-43 a service in a facility as defined by Section 1.07(a)(14), Penal
 1-44 Code, or Section 51.02(13) or (14), Family Code, or an employee of
 1-45 that person:

1-46 (A) while the person or employee is engaged in
 1-47 performing a service within the scope of the contract, if the actor
 1-48 knows the person or employee is authorized by government to provide
 1-49 the service; or

1-50 (B) in retaliation for or on account of the
 1-51 person's or employee's performance of a service within the scope of
 1-52 the contract;

1-53 (4) a person the actor knows is a security officer
 1-54 while the officer is performing a duty as a security officer;

1-55 (5) a person the actor knows is emergency services
 1-56 personnel while the person is providing emergency services;

1-57 (6) a person the actor knows is a process server while
 1-58 the person is performing a duty as a process server;

1-59 (7) a pregnant individual to force the individual to
 1-60 have an abortion; or

1-61 (8) [~~7~~] a person the actor knows is pregnant at the

2-1 time of the offense.

2-2 SECTION 2. Section 22.01(e), Penal Code, is amended by
2-3 adding Subdivision (2) to read as follows:

2-4 (2) "Process server" has the meaning assigned by
2-5 Section 156.001, Government Code.

2-6 SECTION 3. Sections 22.02(b) and (d), Penal Code, are
2-7 amended to read as follows:

2-8 (b) An offense under this section is a felony of the second
2-9 degree, except that the offense is a felony of the first degree if:

2-10 (1) the actor uses a deadly weapon during the
2-11 commission of the assault and causes serious bodily injury to a
2-12 person whose relationship to or association with the defendant is
2-13 described by Section 71.0021(b), 71.003, or 71.005, Family Code;

2-14 (2) regardless of whether the offense is committed
2-15 under Subsection (a)(1) or (a)(2), the offense is committed:

2-16 (A) by a public servant acting under color of the
2-17 servant's office or employment;

2-18 (B) against a person the actor knows is a public
2-19 servant while the public servant is lawfully discharging an
2-20 official duty, or in retaliation or on account of an exercise of
2-21 official power or performance of an official duty as a public
2-22 servant;

2-23 (C) in retaliation against or on account of the
2-24 service of another as a witness, prospective witness, informant, or
2-25 person who has reported the occurrence of a crime; [~~or~~]

2-26 (D) against a person the actor knows is a process
2-27 server while the person is performing a duty as a process server; or

2-28 (E) against a person the actor knows is a
2-29 security officer while the officer is performing a duty as a
2-30 security officer; or

2-31 (3) the actor is in a motor vehicle, as defined by
2-32 Section 501.002, Transportation Code, and:

2-33 (A) knowingly discharges a firearm at or in the
2-34 direction of a habitation, building, or vehicle;

2-35 (B) is reckless as to whether the habitation,
2-36 building, or vehicle is occupied; and

2-37 (C) in discharging the firearm, causes serious
2-38 bodily injury to any person.

2-39 (d) In this section:

2-40 (1) "Process server" has the meaning assigned by
2-41 Section 156.001, Government Code.

2-42 (2) "Security [~~, "security]~~ officer" means a
2-43 commissioned security officer as defined by Section 1702.002,
2-44 Occupations Code, or a noncommissioned security officer registered
2-45 under Section 1702.221, Occupations Code.

2-46 SECTION 4. The change in law made by this Act applies only
2-47 to an offense committed on or after the effective date of this Act.
2-48 An offense committed before the effective date of this Act is
2-49 governed by the law in effect on the date the offense was committed,
2-50 and the former law is continued in effect for that purpose. For
2-51 purposes of this section, an offense was committed before the
2-52 effective date of this Act if any element of the offense was
2-53 committed before that date.

2-54 SECTION 5. This Act takes effect September 1, 2021.

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