

## **BILL ANALYSIS**

H.B. 55  
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Criminal Jurisprudence  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Under current law, there is no penalty enhancement for the offense of indecent assault, even in the case of multiple, similar attacks on a variety of individuals or assaults committed within a fiduciary relationship. In one case, a physician was accused of assaulting more than 20 women, but because of the nature of the offenses and the penalties in statute, the offender was only charged with a misdemeanor. H.B. 55 seeks to address this issue by enhancing indecent assault penalties for repeat offenders and offenders who commit the offense during the course of providing certain health care services.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 55 amends the Penal Code to enhance the penalty for indecent assault from a Class A misdemeanor to a state jail felony if it is shown on the trial of the offense that:

- the defendant has been previously convicted of the offense; or
- the defendant is a health care services provider or a mental health services provider and committed the offense during the course of providing a treatment or service to the victim and beyond the scope of generally accepted practices for the treatment or service.

If the defendant has been previously convicted of the offense involving such conduct as a health care services provider or mental health services provider, the penalty is enhanced to a third degree felony.

H.B. 55 applies only to an offense committed on or after the bill's effective date. The bill provides for the continuation of the law in effect before the bill's effective date for purposes of an offense, or any element thereof, that occurred before that date.

### **EFFECTIVE DATE**

September 1, 2023.