H.B. No. 1589

AN ACT

relating to increasing the criminal penalty for certain family violence assaults.

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

SECTION 1.  Sections 22.01(b) and (b-3), Penal Code, are amended to read as follows:

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

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

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

(A)  it is shown on the trial of the offense that the defendant has been previously convicted of an offense that was committed:

(i)  [~~under this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11~~] against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and

(ii)  under:

(a)  this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11;

(b)  Section 25.07, if the applicable violation was based on the commission of family violence as described by Subsection (a)(1) of that section; or

(c)  Section 25.072, if any of the applicable violations were based on the commission of family violence as described by Section 25.07(a)(1); or

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

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

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

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

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

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

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

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

(8)  a person the actor knows is pregnant at the time of the offense.

(b-3)  Notwithstanding Subsection (b)(2), an offense under Subsection (a)(1) is a felony of the second degree if:

(1)  the offense is committed against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code;

(2)  it is shown on the trial of the offense that the defendant has been previously convicted of an offense that was committed:

(A)  [~~under this chapter, Chapter 19, or Section 20.03, 20.04, or 21.11~~] against a person whose relationship to or association with the defendant is described by Section 71.0021(b), 71.003, or 71.005, Family Code; and

(B)  under:

(i)  this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11;

(ii)  Section 25.07, if the applicable violation was based on the commission of family violence as described by Subsection (a)(1) of that section; or

(iii)  Section 25.072, if any of the applicable violations were based on the commission of family violence as described by Section 25.07(a)(1); and

(3)  the offense is committed by intentionally, knowingly, or recklessly impeding the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

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, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 1589 was passed by the House on April 19, 2023, by the following vote:  Yeas 144, Nays 1, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1589 was passed by the Senate on May 24, 2023, by the following vote:  Yeas 30, Nays 1.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor