

By: Johnson of Dallas

H.B. No. 55

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the punishment for the criminal offense of indecent
3 assault; increasing a criminal penalty.

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

5 SECTION 1. Section [22.012](#), Penal Code, is amended by
6 amending Subsection (b) and adding Subsection (d) to read as
7 follows:

8 (b) An offense under this section is a Class A misdemeanor,
9 except that the offense is:

10 (1) a state jail felony if it is shown on the trial of
11 the offense that:

12 (A) the defendant has been previously convicted
13 of an offense under this section, other than an offense punishable
14 under Paragraph (B); or

15 (B) the defendant is a health care services
16 provider or a mental health services provider and the act is:

17 (i) committed during the course of
18 providing a treatment or service to the victim; and

19 (ii) beyond the scope of generally accepted
20 practices for the treatment or service; or

21 (2) a felony of the third degree if it is shown on the
22 trial of the offense that the defendant has been previously
23 convicted of an offense under this section that is punishable under
24 Subdivision (1)(B).

1 (d) In this section, "health care services provider" and
2 "mental health services provider" have the meanings assigned by
3 Section 22.011.

4 SECTION 2. The changes in law made by this Act apply only to
5 an offense committed on or after the effective date of this Act. An
6 offense committed before the effective date of this Act is governed
7 by the law in effect on the date the offense was committed, and the
8 former law is continued in effect for that purpose. For purposes of
9 this section, an offense was committed before the effective date of
10 this Act if any element of the offense occurred before that date.

11 SECTION 3. This Act takes effect September 1, 2023.