

By: Rosenthal

H.B. No. 1028

A BILL TO BE ENTITLED

AN ACT

relating to engaging in certain prohibited conduct with the intent to intimidate or interfere with a person seeking or providing health care services or attending an established place of religious worship; increasing a criminal penalty.

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

SECTION 1. Section 42.01(d), Penal Code, is amended to read as follows:

(d) An offense under this section is a Class C misdemeanor, except that the offense is a Class B misdemeanor if the offense was ~~[unless]~~ committed:

(1) under Subsection (a)(7) or (a)(8); or

(2) under Subsection (a)(4), if the actor engaged in the prohibited conduct with the intent to intimidate or interfere with a person:

(A) seeking or providing health care services; or

(B) attending an established place of religious worship ~~[, in which event it is a Class B misdemeanor]~~.

SECTION 2. Section 42.04, Penal Code, is amended by amending Subsections (a) and (c) and adding Subsection (d) to read as follows:

(a) Except as provided by Subsection (d), if ~~[if]~~ conduct that would otherwise violate Section 42.01(a)(5) (Unreasonable Noise), 42.03 (Obstructing Passageway), or 42.055 (Funeral Service

Disruptions) consists of speech or other communication, of gathering with others to hear or observe such speech or communication, or of gathering with others to picket or otherwise express in a nonviolent manner a position on social, economic, political, or religious questions, the actor must be ordered to move, disperse, or otherwise remedy the violation prior to his arrest if he has not yet intentionally harmed the interests of others which those sections seek to protect.

(c) Except as provided by Subsection (d), it [It] is a defense to prosecution under Section 42.01(a)(5), 42.03, or 42.055:

(1) that in circumstances in which this section requires an order no order was given;

(2) that an order, if given, was manifestly unreasonable in scope; or

(3) that an order, if given, was promptly obeyed.

(d) An order under Subsection (a) is not required, and the defense provided under Subsection (c) does not apply, in the prosecution of an offense under Section 42.03 if the actor engaged in the prohibited conduct:

(1) with respect to the entry of a health care facility or established place of religious worship; and

(2) with the intent to intimidate or interfere with a person seeking or providing health care services at the facility or attending the place of worship, as applicable.

SECTION 3. 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

1 governed by the law in effect on the date the offense was committed,
2 and the former law is continued in effect for that purpose. For
3 purposes of this section, an offense was committed before the
4 effective date of this Act if any element of the offense occurred
5 before that date.

6 SECTION 4. This Act takes effect September 1, 2023.