

By: Cook

H.B. No. 1589

A BILL TO BE ENTITLED

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (A) [~~under this chapter, Chapter 19, or Section~~
16 ~~20.03, 20.04, or 21.11~~] against a person whose relationship to or
17 association with the defendant is described by Section 71.0021(b),
18 71.003, or 71.005, Family Code; and

19 (B) under:

20 (i) this chapter, Chapter 19, or Section
21 20.03, 20.04, 21.11, or 25.11;

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

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

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

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

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