

1-1 By: Cook, Murr (Senate Sponsor - Zaffirini) H.B. No. 1589
1-2 (In the Senate - Received from the House April 19, 2023;
1-3 May 1, 2023, read first time and referred to Committee on Criminal
1-4 Justice; May 19, 2023, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to increasing the criminal penalty for certain family
1-18 violence assaults.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Sections 22.01(b) and (b-3), Penal Code, are
1-21 amended to read as follows:

1-22 (b) An offense under Subsection (a)(1) is a Class A
1-23 misdemeanor, except that the offense is a felony of the third degree
1-24 if the offense is committed against:

1-25 (1) a person the actor knows is a public servant while
1-26 the public servant is lawfully discharging an official duty, or in
1-27 retaliation or on account of an exercise of official power or
1-28 performance of an official duty as a public servant;

1-29 (2) a person whose relationship to or association with
1-30 the defendant is described by Section 71.0021(b), 71.003, or
1-31 71.005, Family Code, if:

1-32 (A) it is shown on the trial of the offense that
1-33 the defendant has been previously convicted of an offense that was
1-34 committed:

1-35 (i) ~~[under this chapter, Chapter 19, or~~
1-36 ~~Section 20.03, 20.04, 21.11, or 25.11]~~ against a person whose
1-37 relationship to or association with the defendant is described by
1-38 Section 71.0021(b), 71.003, or 71.005, Family Code; and

1-39 (ii) under:

1-40 (a) this chapter, Chapter 19, or
1-41 Section 20.03, 20.04, 21.11, or 25.11;

1-42 (b) Section 25.07, if the applicable
1-43 violation was based on the commission of family violence as
1-44 described by Subsection (a)(1) of that section; or

1-45 (c) Section 25.072, if any of the
1-46 applicable violations were based on the commission of family
1-47 violence as described by Section 25.07(a)(1); or

1-48 (B) the offense is committed by intentionally,
1-49 knowingly, or recklessly impeding the normal breathing or
1-50 circulation of the blood of the person by applying pressure to the
1-51 person's throat or neck or by blocking the person's nose or mouth;

1-52 (3) a person who contracts with government to perform
1-53 a service in a facility as defined by Section 1.07(a)(14), Penal
1-54 Code, or Section 51.02(13) or (14), Family Code, or an employee of
1-55 that person:

1-56 (A) while the person or employee is engaged in
1-57 performing a service within the scope of the contract, if the actor
1-58 knows the person or employee is authorized by government to provide
1-59 the service; or

1-60 (B) in retaliation for or on account of the
1-61 person's or employee's performance of a service within the scope of

2-1 the contract;
 2-2 (4) a person the actor knows is a security officer
 2-3 while the officer is performing a duty as a security officer;
 2-4 (5) a person the actor knows is emergency services
 2-5 personnel while the person is providing emergency services;
 2-6 (6) a person the actor knows is a process server while
 2-7 the person is performing a duty as a process server;
 2-8 (7) a pregnant individual to force the individual to
 2-9 have an abortion; or
 2-10 (8) a person the actor knows is pregnant at the time of
 2-11 the offense.

2-12 (b-3) Notwithstanding Subsection (b)(2), an offense under
 2-13 Subsection (a)(1) is a felony of the second degree if:

2-14 (1) the offense is committed against a person whose
 2-15 relationship to or association with the defendant is described by
 2-16 Section 71.0021(b), 71.003, or 71.005, Family Code;

2-17 (2) it is shown on the trial of the offense that the
 2-18 defendant has been previously convicted of an offense that was
 2-19 committed:

2-20 (A) ~~[under this chapter, Chapter 19, or Section~~
 2-21 ~~20.03, 20.04, or 21.11]~~ against a person whose relationship to or
 2-22 association with the defendant is described by Section 71.0021(b),
 2-23 71.003, or 71.005, Family Code; and

2-24 (B) under:
 2-25 (i) this chapter, Chapter 19, or Section
 2-26 20.03, 20.04, 21.11, or 25.11;

2-27 (ii) Section 25.07, if the applicable
 2-28 violation was based on the commission of family violence as
 2-29 described by Subsection (a)(1) of that section; or

2-30 (iii) Section 25.072, if any of the
 2-31 applicable violations were based on the commission of family
 2-32 violence as described by Section 25.07(a)(1); and

2-33 (3) the offense is committed by intentionally,
 2-34 knowingly, or recklessly impeding the normal breathing or
 2-35 circulation of the blood of the person by applying pressure to the
 2-36 person's throat or neck or by blocking the person's nose or mouth.

2-37 SECTION 2. The change in law made by this Act applies only
 2-38 to an offense committed on or after the effective date of this Act.
 2-39 An offense committed before the effective date of this Act is
 2-40 governed by the law in effect on the date the offense was committed,
 2-41 and the former law is continued in effect for that purpose. For
 2-42 purposes of this section, an offense was committed before the
 2-43 effective date of this Act if any element of the offense occurred
 2-44 before that date.

2-45 SECTION 3. This Act takes effect September 1, 2023.

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