

By: Jones of Dallas

H.B. No. 2052

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the criminal penalty for assault of certain
3 hospital personnel.

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

5 SECTION 1. Section 22.01(b), Penal Code, is amended to read
6 as follows:

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

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

14 (2) a person whose relationship to or association with
15 the defendant is described by Section 71.0021(b), 71.003, or
16 71.005, Family Code, if:

17 (A) it is shown on the trial of the offense that
18 the defendant has been previously convicted of an offense under
19 this chapter, Chapter 19, or Section 20.03, 20.04, 21.11, or 25.11
20 against a person whose relationship to or association with the
21 defendant is described by Section 71.0021(b), 71.003, or 71.005,
22 Family Code; or

23 (B) the offense is committed by intentionally,
24 knowingly, or recklessly impeding the normal breathing or

1 circulation of the blood of the person by applying pressure to the
2 person's throat or neck or by blocking the person's nose or mouth;

3 (3) a person who contracts with government to perform
4 a service in a facility described [~~as defined~~] by Section
5 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code,
6 or an employee of that person:

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

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

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

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

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

20 (7) a pregnant individual to force the individual to
21 have an abortion; [~~or~~]

22 (8) a person the actor knows is pregnant at the time of
23 the offense; or

24 (9) a person the actor knows is hospital personnel
25 while the person is performing a service in the hospital.

26 SECTION 2. Section 22.01(e), Penal Code, is amended by
27 adding Subdivision (1-a) to read as follows:

1 (1-a) "Hospital personnel" includes nurses,
2 physicians, physician assistants, maintenance or janitorial staff,
3 receptionists, and other individuals who are employed by a facility
4 that is licensed as a general hospital or special hospital, as those
5 terms are defined by Section 241.003, Health and Safety Code,
6 including a hospital maintained or operated by the state.

7 SECTION 3. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect on the date the offense was committed,
11 and the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

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