

By: West, Blanco, Hinojosa

S.B. No. 840

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for assault of certain hospital personnel.

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

SECTION 1. This Act may be cited as the Jacqueline "Jackie" Pokuaa and Katie "Annette" Flowers Act.

SECTION 2. Section 22.01(b), Penal Code, is 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 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; or

1 (B) 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 (3) a person who contracts with government to perform  
6 a service in a facility described [~~as defined~~] by Section  
7 1.07(a)(14), Penal Code, or Section 51.02(13) or (14), Family Code,  
8 or an employee of that person:

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

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

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

18 (5) a person the actor knows is emergency services  
19 personnel while the person is providing emergency services;

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

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

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

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

1 SECTION 3. Section 22.01(e), Penal Code, is amended by  
2 adding Subdivision (1-a) to read as follows:

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

10 SECTION 4. The change in law made by this Act applies only  
11 to an offense committed on or after the effective date of this Act.  
12 An offense committed before the effective date of this Act is  
13 governed by the law in effect on the date the offense was committed,  
14 and the former law is continued in effect for that purpose. For  
15 purposes of this section, an offense was committed before the  
16 effective date of this Act if any element of the offense occurred  
17 before that date.

18 SECTION 5. This Act takes effect September 1, 2023.