

BILL ANALYSIS

C.S.H.B. 1160
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Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to news outlets such as the Fort Worth Star-Telegram and CBS Austin, utility workers have faced threats, harassment, and assaults while working to restore power and critical services to Texas residents impacted by disasters. While state law provides penalty enhancements for assault committed against a public servant and hospital and emergency services personnel, this enhancement does not apply to utility workers. Similarly, the offense of interference with public duties does not include utility workers. C.S.H.B. 1160 seeks to protect utility workers who are conducting vital work for Texans by expanding the conduct constituting the offense of interference with public duties to include interference with a utility worker and by providing penalty enhancements for assault against a utility worker.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1160 amends the Penal Code to expand the conduct that constitutes the offense of interference with public duties to include interrupting, disrupting, impeding, or otherwise interfering with an employee or agent of a utility, with criminal negligence, while the employee or agent is performing a duty within the scope of that employment or agency. The bill increases the penalty for the offense to the next higher category if it is shown at the trial of the offense that the offense was committed in an area that was, at the time of the offense subject to the following:

- a declaration of a state of disaster made by:
 - the president of the United States under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act;
 - the governor under the Texas Disaster Act of 1975; or
 - the presiding officer of the governing body of a political subdivision under that state law; or
- an emergency evacuation order.

C.S.H.B. 1160 enhances the penalty for assault in which the actor intentionally, knowingly, or recklessly causes bodily injury to another from a Class A misdemeanor to a third degree felony if the offense is committed against a person the actor knows is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency. The bill

establishes that, for purposes of the enhancement, an actor is presumed to have known the person assaulted was an employee or agent of a utility if the person was wearing a distinctive uniform or badge indicating the person's employment or agency.

C.S.H.B. 1160 defines "utility" as follows:

- an electric utility, a telecommunications, video service or cable service provider, or an electric cooperative or municipally owned utility, as those terms are defined under the Public Utility Regulatory Act;
- a gas utility, as that term is defined under the Gas Utility Regulatory Act, which includes a municipally owned utility, as that term is also defined under that act;
- a gas utility, as that term is defined under provisions regulating the transportation and use of natural gas;
- a pipeline used for the transportation or sale of oil, gas, or related products;
- a broadband provider, defined by reference to Utilities Code provisions relating to broadband attachments to electric cooperative's distribution poles; or
- a retail water or sewer utility service, defined by reference to Water Code provisions regarding water rates and services.

C.S.H.B. 1160 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 1160 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision absent from the introduced increasing the penalty for interference with public duties to the next higher category if it is shown at the trial of the offense that the offense was committed in an area that was, at the time of the offense subject to an applicable declaration of a state of disaster or an emergency evacuation order.

The substitute includes a provision absent from the introduced establishing that, for purposes of the bill's penalty enhancement for certain assaultive conduct, an actor is presumed to have known the person assaulted was an employee or agent of a utility if the person was wearing a distinctive uniform or badge indicating the person's employment or agency.

The introduced and substitute both define "utility" for purposes of the bill's provisions, however the substitute also includes a broadband provider and a retail water or sewer utility service within that definition.