

By: Hull

H.B. No. 1160

Substitute the following for H.B. No. 1160:

By: Smithee

C.S.H.B. No. 1160

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for the offense of assault committed against certain employees or agents of a utility and to the prosecution of the criminal offense of interference with public duties of those employees or agents; increasing criminal penalties for certain criminal offenses relating to interference with public duties.

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

SECTION 1. Section 12.50(b), Penal Code, is amended to read as follows:

(b) The increase in punishment authorized by this section applies only to an offense under:

- (1) Section 20.05;
- (2) Section 20.06;
- (3) Section 20.07;
- (4) Section 22.01;
- (5) Section 28.02;
- (6) Section 29.02;
- (7) Section 30.02;
- (8) Section 30.03;
- (9) Section 30.04;
- (10) Section 30.05; ~~and~~
- (11) Section 31.03; and
- (12) Section 38.15.

SECTION 2. Sections 22.01(b) and (d), 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) 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:

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

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

(c) Section 25.072, if any of the applicable violations were based on the commission of family violence as described by Section 25.07(a)(1); 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 by Section 1.07(a)(14), Penal
7 Code, or Section 51.02(13) or (14), Family Code, or an employee of
8 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;

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 located on hospital property, including all

1 land and buildings owned or leased by the hospital; or

2 (10) a person the actor knows is an employee or agent
3 of a utility while the person is performing a duty within the scope
4 of that employment or agency.

5 (d) For purposes of Subsection (b), the actor is presumed to
6 have known the person assaulted was a public servant, a security
7 officer, an employee or agent of a utility, or emergency services
8 personnel if the person was wearing a distinctive uniform or badge
9 indicating the person's employment, agency, ~~[as a public servant]~~
10 or status, as applicable ~~[a security officer or emergency services~~
11 ~~personnel]~~.

12 SECTION 3. Section 22.01(e), Penal Code, is amended by
13 adding Subdivision (5) to read as follows:

14 (5) "Utility" means:

15 (A) an electric utility, as defined by Section
16 31.002, Utilities Code;

17 (B) a telecommunications provider, as defined by
18 Section 51.002, Utilities Code;

19 (C) a video service provider or cable service
20 provider, as defined by Section 66.002, Utilities Code;

21 (D) a gas utility, as defined by Section 101.003,
22 Utilities Code, which for the purposes of this subsection includes
23 a municipally owned utility as defined by that section;

24 (E) a gas utility, as defined by Section 121.001,
25 Utilities Code;

26 (F) a pipeline used for the transportation or
27 sale of oil, gas, or related products;

1 (G) an electric cooperative or municipally owned
2 utility, as defined by Section 11.003, Utilities Code;

3 (H) a broadband provider, as defined by Section
4 253.0001, Utilities Code; or

5 (I) a retail water or sewer utility service, as
6 defined by Section 13.002, Water Code.

7 SECTION 4. Sections 38.15(a) and (e), Penal Code, are
8 amended to read as follows:

9 (a) A person commits an offense if the person with criminal
10 negligence interrupts, disrupts, impedes, or otherwise interferes
11 with:

12 (1) a peace officer while the peace officer is
13 performing a duty or exercising authority imposed or granted by
14 law;

15 (2) a person who is employed to provide emergency
16 medical services including the transportation of ill or injured
17 persons while the person is performing that duty;

18 (3) a fire fighter, while the fire fighter is fighting
19 a fire or investigating the cause of a fire;

20 (4) an animal under the supervision of a peace
21 officer, corrections officer, or jailer, if the person knows the
22 animal is being used for law enforcement, corrections, prison or
23 jail security, or investigative purposes;

24 (5) the transmission of a communication over a
25 citizen's band radio channel, the purpose of which communication is
26 to inform or inquire about an emergency;

27 (6) an officer with responsibility for animal control

1 in a county or municipality, while the officer is performing a duty
2 or exercising authority imposed or granted under Chapter 821 or
3 822, Health and Safety Code; ~~or~~

4 (7) a person who:

5 (A) has responsibility for assessing, enacting,
6 or enforcing public health, environmental, radiation, or safety
7 measures for the state or a county or municipality;

8 (B) is investigating a particular site as part of
9 the person's responsibilities under Paragraph (A);

10 (C) is acting in accordance with policies and
11 procedures related to the safety and security of the site described
12 by Paragraph (B); and

13 (D) is performing a duty or exercising authority
14 imposed or granted under the Agriculture Code, Health and Safety
15 Code, Occupations Code, or Water Code; or

16 (8) a person who is an employee or agent of a utility
17 while the person is performing a duty within the scope of that
18 employment or agency.

19 (e) In this section:

20 (1) "Emergency" ~~[, "emergency"]~~ means a condition or
21 circumstance in which an individual is or is reasonably believed by
22 the person transmitting the communication to be in imminent danger
23 of serious bodily injury or in which property is or is reasonably
24 believed by the person transmitting the communication to be in
25 imminent danger of damage or destruction.

26 (2) "Utility" means:

27 (A) an electric utility, as defined by Section

1 31.002, Utilities Code;

2 (B) a telecommunications provider, as defined by
3 Section 51.002, Utilities Code;

4 (C) a video service provider or cable service
5 provider, as defined by Section 66.002, Utilities Code;

6 (D) a gas utility, as defined by Section 101.003,
7 Utilities Code, which for the purposes of this subsection includes
8 a municipally owned utility as defined by that section;

9 (E) a gas utility, as defined by Section 121.001,
10 Utilities Code;

11 (F) a pipeline used for the transportation or
12 sale of oil, gas, or related products;

13 (G) an electric cooperative or municipally owned
14 utility, as defined by Section 11.003, Utilities Code;

15 (H) a broadband provider, as defined by Section
16 253.0001, Utilities Code; or

17 (I) a retail water or sewer utility service, as
18 defined by Section 13.002, Water Code.

19 SECTION 5. The change in law made by this Act applies only
20 to an offense committed on or after the effective date of this Act.
21 An offense committed before the effective date of this Act is
22 governed by the law in effect on the date the offense was committed,
23 and the former law is continued in effect for that purpose.

24 SECTION 6. This Act takes effect September 1, 2025.