

By: Campos

H.B. No. 1572

A BILL TO BE ENTITLED

AN ACT

relating to mail theft and certain criminal offenses committed against an employee or contractor of a common carrier or delivery service delivering mail; increasing criminal penalties.

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

SECTION 1. 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:

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

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

6 (c) Section 25.072, if any of the
7 applicable violations were based on the commission of family
8 violence as described by Section 25.07(a)(1); or

9 (B) the offense is committed by intentionally,
10 knowingly, or recklessly impeding the normal breathing or
11 circulation of the blood of the person by applying pressure to the
12 person's throat or neck or by blocking the person's nose or mouth;

13 (3) a person who contracts with government to perform
14 a service in a facility described by Section 1.07(a)(14), Penal
15 Code, or Section 51.02(13) or (14), Family Code, or an employee of
16 that person:

17 (A) while the person or employee is engaged in
18 performing a service within the scope of the contract, if the actor
19 knows the person or employee is authorized by government to provide
20 the service; or

21 (B) in retaliation for or on account of the
22 person's or employee's performance of a service within the scope of
23 the contract;

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

26 (5) a person the actor knows is emergency services
27 personnel while the person is providing emergency services;

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

3 (7) a person the actor knows is an employee or
4 contractor of a common carrier or delivery service while the person
5 is performing a duty relating to the delivery of mail, as defined by
6 Section 31.20;

7 (8) a pregnant individual to force the individual to
8 have an abortion;

9 (9) ~~[(8)]~~ a person the actor knows is pregnant at the
10 time of the offense; or

11 (10) ~~[(9)]~~ a person the actor knows is hospital
12 personnel while the person is located on hospital property,
13 including all land and buildings owned or leased by the hospital.

14 (d) For purposes of Subsection (b), the actor is presumed to
15 have known the person assaulted was a public servant, a security
16 officer, ~~[or]~~ emergency services personnel, or an employee or
17 contractor of a common carrier or delivery service if the person was
18 wearing a distinctive uniform or badge indicating the person's
19 employment as a public servant or status as a security officer, ~~[or]~~
20 emergency services personnel, or an employee or contractor of a
21 common carrier or delivery service.

22 SECTION 2. Sections 22.02(b) and (c), Penal Code, are
23 amended to read as follows:

24 (b) An offense under this section is a felony of the second
25 degree, except that the offense is a felony of the first degree if:

26 (1) the actor uses a deadly weapon during the
27 commission of the assault and causes:

1 (A) serious bodily injury to a person whose
2 relationship to or association with the defendant is described by
3 Section 71.0021(b), 71.003, or 71.005, Family Code; or

4 (B) a traumatic brain or spine injury to another
5 that results in a persistent vegetative state or irreversible
6 paralysis;

7 (2) regardless of whether the offense is committed
8 under Subsection (a)(1) or (a)(2), the offense is committed:

9 (A) by a public servant acting under color of the
10 servant's office or employment;

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

16 (C) in retaliation against or on account of the
17 service of another as a witness, prospective witness, informant, or
18 person who has reported the occurrence of a crime;

19 (D) against a person the actor knows is a process
20 server while the person is performing a duty as a process server;
21 ~~[or]~~

22 (E) against a person the actor knows is a
23 security officer while the officer is performing a duty as a
24 security officer; or

25 (F) against a person the actor knows is an
26 employee or contractor of a common carrier or delivery service
27 while the person is performing a duty relating to the delivery of

1 mail, as defined by Section 31.20;

2 (3) the actor is in a motor vehicle, as defined by
3 Section 501.002, Transportation Code, and:

4 (A) knowingly discharges a firearm at or in the
5 direction of a habitation, building, or vehicle;

6 (B) is reckless as to whether the habitation,
7 building, or vehicle is occupied; and

8 (C) in discharging the firearm, causes serious
9 bodily injury to any person; or

10 (4) the actor commits the assault as part of a mass
11 shooting.

12 (c) The actor is presumed to have known the person assaulted
13 was a public servant, ~~[or]~~ a security officer, or an employee or
14 contractor of a common carrier or delivery service if the person was
15 wearing a distinctive uniform or badge indicating the person's
16 employment as a public servant or status as a security officer or an
17 employee or contractor of a common carrier or delivery service.

18 SECTION 3. Section 31.20, Penal Code, is amended by adding
19 Subsection (b-1) and amending Subsections (c), (d), and (e) to read
20 as follows:

21 (b-1) For purposes of Subsection (b), an actor in possession
22 of mail that, in the aggregate, is addressed to at least five
23 persons other than the actor is presumed to have engaged in conduct
24 constituting an offense under that subsection unless the actor
25 possesses the mail in the course of the person's duties as an
26 employee or contractor of a common carrier or delivery service.

27 (c) Except as provided by Subsections (d) and (e), an

1 offense under this section is:

2 (1) a state jail felony [~~Class A misdemeanor~~] if the
3 mail is appropriated from fewer than 10 addressees;

4 (2) a [~~state jail~~] felony of the third degree if the
5 mail is appropriated from at least 10 but fewer than 30 addressees;
6 or

7 (3) a felony of the second [~~third~~] degree if the mail
8 is appropriated from 30 or more addressees.

9 (d) If it is shown on the trial of an offense under this
10 section that the appropriated mail contained an item of identifying
11 information and the actor committed the offense with the intent to
12 facilitate an offense under Section 32.51, an offense under this
13 section is:

14 (1) [~~a state jail felony if the mail is appropriated~~
15 ~~from fewer than 10 addressees,~~

16 [~~(2)~~] a felony of the third degree if the mail is
17 appropriated from [~~at least 10 but~~] fewer than 20 addressees;

18 (2) [~~(3)~~] a felony of the second degree if the mail is
19 appropriated from at least 20 but fewer than 50 addressees; or

20 (3) [~~(4)~~] a felony of the first degree if the mail is
21 appropriated from 50 or more addressees.

22 (e) An offense described for purposes of punishment by
23 Subsection (d)(1)[~~(2)~~] or (2) [~~(3)~~] is increased to the next
24 higher category of offense if it is shown on the trial of the
25 offense that at the time of the offense the actor knew or had reason
26 to believe that an addressee from whom the actor appropriated mail
27 was a disabled individual or an elderly individual.

1 SECTION 4. The changes in law made by this Act apply only to
2 an offense committed on or after the effective date of this Act. An
3 offense committed before the effective date of this Act is governed
4 by the law in effect on the date the offense was committed, and the
5 former law is continued in effect for that purpose. For purposes of
6 this section, an offense was committed before the effective date of
7 this Act if any element of the offense occurred before that date.

8 SECTION 5. This Act takes effect September 1, 2025.