

By: Bell of Montgomery

H.B. No. 3098

A BILL TO BE ENTITLED

AN ACT

1
2 relating to increasing the criminal penalty for certain assaults
3 committed against employees of primary and secondary schools and to
4 the conditions of community supervision for that offense.

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

6 SECTION 1. Section 22.01, Penal Code, is amended by
7 amending Subsections (b) and (c) and adding Subsections (d-1),
8 (d-2), and (d-3) to read as follows:

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

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

16 (2) a person whose relationship to or association with
17 the defendant is described by Section 71.0021(b), 71.003, or
18 71.005, Family Code, if:

19 (A) it is shown on the trial of the offense that
20 the defendant has been previously convicted of an offense that was
21 committed:

22 (i) against a person whose relationship to
23 or association with the defendant is described by Section
24 71.0021(b), 71.003, or 71.005, Family Code; and

1 (ii) under:

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

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

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

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

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

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

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

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

27 (5) a person the actor knows is emergency services

1 personnel while the person is providing emergency services;

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

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

6 (8) a person the actor knows is pregnant at the time of
7 the offense; ~~or~~

8 (9) a person the actor knows is hospital personnel
9 while the person is located on hospital property, including all
10 land and buildings owned or leased by the hospital; or

11 (10) an employee of a public or private primary or
12 secondary school:

13 (A) while the employee is engaged in performing
14 duties within the scope of employment; or

15 (B) in retaliation for or on account of the
16 employee's performance of a duty within the scope of employment.

17 (c) An offense under Subsection (a)(2) or (3) is a Class C
18 misdemeanor, except that the offense is:

19 (1) a Class A misdemeanor if the offense is committed
20 under Subsection (a)(3) against an elderly individual or disabled
21 individual, as those terms are defined by Section 22.04;

22 (2) a Class B misdemeanor if the offense is committed
23 by a person who is not a sports participant against a person the
24 actor knows is a sports participant either:

25 (A) while the participant is performing duties or
26 responsibilities in the participant's capacity as a sports
27 participant; or

1 (B) in retaliation for or on account of the
2 participant's performance of a duty or responsibility within the
3 participant's capacity as a sports participant; ~~or~~

4 (3) a Class A misdemeanor if the offense is committed
5 against a pregnant individual to force the individual to have an
6 abortion;

7 (4) a Class B misdemeanor with a minimum term of
8 confinement of 10 days if the offense is committed under Subsection
9 (a)(3) against an employee of a public or private primary or
10 secondary school:

11 (A) while the employee is engaged in performing
12 duties within the scope of employment; or

13 (B) in retaliation for or on account of the
14 employee's performance of a duty within the scope of employment; or

15 (5) a Class A misdemeanor with a minimum term of
16 confinement of 10 days if the offense is committed under Subsection
17 (a)(2) against an employee of a public or private primary or
18 secondary school:

19 (A) while the employee is engaged in performing
20 duties within the scope of employment; or

21 (B) in retaliation for or on account of the
22 employee's performance of a duty within the scope of employment.

23 (d-1) For purposes of Subsections (b)(10), (c)(4), and
24 (c)(5), the actor is presumed to have known that the person
25 assaulted was a school employee if the actor was a student enrolled
26 in, or the parent or guardian of a student enrolled in, the school
27 that employed the person assaulted.

1 (d-2) The increase in punishment provided by Subsection
2 (b)(10), (c)(4), or (c)(5) applies regardless of whether the
3 offense occurred:

4 (1) off school premises; or

5 (2) at a time at which school was not in session.

6 (d-3) The increase in punishment provided by Subsection
7 (b)(10), (c)(4), or (c)(5) does not apply if the actor is a student
8 enrolled in a special education program under Subchapter A, Chapter
9 29, Education Code.

10 SECTION 2. Subchapter K, Chapter 42A, Code of Criminal
11 Procedure, is amended by adding Article 42A.518 to read as follows:

12 Art. 42A.518. COMMUNITY SUPERVISION FOR CERTAIN ASSAULT
13 OFFENSES. A judge granting community supervision to a defendant
14 convicted of an offense for which punishment is increased under
15 Section 22.01(b)(10), (c)(4), or (c)(5), Penal Code, shall require
16 as a condition of community supervision that the defendant submit
17 to a term of confinement of not less than 10 days in a county jail.

18 SECTION 3. The change in law made by this Act applies only
19 to an offense committed on or after the effective date of this Act.
20 An offense committed before the effective date of this Act is
21 governed by the law in effect on the date the offense was committed,
22 and the former law is continued in effect for that purpose. For
23 purposes of this section, an offense was committed before the
24 effective date of this Act if any element of the offense occurred
25 before that date.

26 SECTION 4. This Act takes effect September 1, 2025.