

By: Cook

H.B. No. 3498

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for assault of a retail establishment employee.

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

SECTION 1. 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 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

1 Section 20.03, 20.04, 21.11, or 25.11;

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

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

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

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

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

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

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

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

27 (6) a person the actor knows is a process server while

1 the person is performing a duty as a process server;

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

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

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

9 (10) a person the actor knows is an employee of a
10 retail establishment while the person is located on the retail
11 establishment's property, including all land and buildings owned or
12 leased by the retail establishment.

13 SECTION 2. The change in law made by this Act applies only
14 to an offense committed on or after the effective date of this Act.
15 An offense committed before the effective date of this Act is
16 governed by the law in effect on the date the offense was committed,
17 and the former law is continued in effect for that purpose. For
18 purposes of this section, an offense was committed before the
19 effective date of this Act if any element of the offense occurred
20 before that date.

21 SECTION 3. This Act takes effect September 1, 2025.