

By: Harless

H.B. No. 3869

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for the offenses of assault and harassment committed against certain employees or agents of a utility and committed in a disaster area or evacuated area.

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

SECTION 1. Section 12.50, Penal Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding this section, if an offense is punishable as a felony of the third degree under Section 22.01(b)(10), the punishment for that offense may not be increased under Subsection (c).

SECTION 2. Section 12.501, Penal Code, is amended by adding Subsection (d-1) to read as follows:

(d-1) Notwithstanding this section, if an offense is punishable as a Class A misdemeanor under Section 42.07(c)(3), the punishment for that offense may not be increased under Subsection (d).

SECTION 3. 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

1 the public servant is lawfully discharging an official duty, or in
2 retaliation or on account of an exercise of official power or
3 performance of an official duty as a public servant;

4 (2) a person whose relationship to or association with
5 the defendant is described by Section 71.0021(b), 71.003, or
6 71.005, Family Code, if:

7 (A) it is shown on the trial of the offense that
8 the defendant has been previously convicted of an offense that was
9 committed:

10 (i) against a person whose relationship to
11 or association with the defendant is described by Section
12 71.0021(b), 71.003, or 71.005, Family Code; and

13 (ii) under:

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

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

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

22 (B) the offense is committed by intentionally,
23 knowingly, or recklessly impeding the normal breathing or
24 circulation of the blood of the person by applying pressure to the
25 person's throat or neck or by blocking the person's nose or mouth;

26 (3) a person who contracts with government to perform
27 a service in a facility described by Section 1.07(a)(14), Penal

1 Code, or Section 51.02(13) or (14), Family Code, or an employee of
2 that person:

3 (A) while the person or employee is engaged in
4 performing a service within the scope of the contract, if the actor
5 knows the person or employee is authorized by government to provide
6 the service; or

7 (B) in retaliation for or on account of the
8 person's or employee's performance of a service within the scope of
9 the contract;

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

12 (5) a person the actor knows is emergency services
13 personnel while the person is providing emergency services;

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

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

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

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

23 (10) a person the actor knows or reasonably should
24 know is an employee or agent of a utility while the person is:

25 (A) performing a duty within the scope of that
26 employment or agency; and

27 (B) located in an area that is:

1 (i) subject to a declaration of a state of
2 disaster made by:

3 (a) the president of the United States
4 under the Robert T. Stafford Disaster Relief and Emergency
5 Assistance Act (42 U.S.C. Section 5121 et seq.);

6 (b) the governor under Section
7 418.014, Government Code; or

8 (c) the presiding officer of the
9 governing body of a political subdivision under Section 418.108,
10 Government Code; or

11 (ii) subject to an emergency evacuation
12 order.

13 SECTION 4. Section 22.01(e), Penal Code, is amended by
14 adding Subdivision (5) to read as follows:

15 (5) "Utility" means:

16 (A) an electric utility, as defined by Section
17 31.002, Utilities Code;

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

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

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

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

27 (F) a pipeline used for the transportation or

1 sale of oil, gas, or related products; or

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

4 SECTION 5. Section 42.07(b), Penal Code, is amended by
5 adding Subdivision (4) to read as follows:

6 (4) "Utility" has the meaning assigned by Section
7 22.01(e).

8 SECTION 6. Section 42.07(c), Penal Code, is amended to read
9 as follows:

10 (c) An offense under this section is a Class B misdemeanor,
11 except that the offense is a Class A misdemeanor if:

12 (1) the actor has previously been convicted under this
13 section; ~~or~~

14 (2) the offense was committed under Subsection (a)(7)
15 or (8) and:

16 (A) the offense was committed against a child
17 under 18 years of age with the intent that the child:

18 (i) commit suicide; or

19 (ii) engage in conduct causing serious
20 bodily injury to the child; or

21 (B) the actor has previously violated a temporary
22 restraining order or injunction issued under Chapter 129A, Civil
23 Practice and Remedies Code; or

24 (3) the offense was committed against a person the
25 actor knows or reasonably should know is an employee or agent of a
26 utility while the person is performing a duty within the scope of
27 that employment or agency and the offense was committed in an area

1 that was, at the time of the offense:

2 (A) subject to a declaration of a state of
3 disaster made by:

4 (i) the president of the United States
5 under the Robert T. Stafford Disaster Relief and Emergency
6 Assistance Act (42 U.S.C. Section 5121 et seq.);

7 (ii) the governor under Section 418.014,
8 Government Code; or

9 (iii) the presiding officer of the
10 governing body of a political subdivision under Section 418.108,
11 Government Code; or

12 (B) subject to an emergency evacuation order.

13 SECTION 7. The changes in law made by this Act apply only to
14 an offense committed on or after the effective date of this Act. An
15 offense committed before the effective date of this Act is governed
16 by the law in effect on the date the offense was committed, and the
17 former law is continued in effect for that purpose.

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