By: Campos H.B. No. 740

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:

(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

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

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

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

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

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

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

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

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

(8) a person the actor knows is pregnant at the time of the offense;

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

(10) a person the actor knows or reasonably should know is an employee or agent of a utility while the person is performing a duty within the scope of that employment or agency; or

(11) a person the actor knows is an employee or contractor of a common carrier or delivery service while the person is performing a duty relating to the delivery of mail, as defined by Section 31.20.

(d) For purposes of Subsection (b), the actor is presumed to have known the person assaulted was a public servant, a security officer, an employee or agent of a utility, an employee or contractor of a common carrier or delivery service, or emergency services personnel if the person was wearing a distinctive uniform or badge indicating the person's employment, agency, or status, as applicable.

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

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

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

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

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

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

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

(B) against 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;

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

(D) against a person the actor knows is a process server while the person is performing a duty as a process server;

(E) against a person the actor knows is a security officer while the officer is performing a duty as a security officer; [~~or~~]

(F) by an actor who is committed to a civil commitment facility, against:

(i) a person the actor knows is an officer or employee of the Texas Civil Commitment Office:

(a) while the officer or employee is lawfully discharging an official duty; or

(b) in retaliation for or on account of an exercise of official power or performance of an official duty by the officer or employee; or

(ii) a person the actor knows is contracting with the state to perform a service in a civil commitment facility or an employee of that person:

(a) while the person or employee is engaged in performing a service within the scope of the contract; or

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

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

(3) the actor is inside of or directly en route to or from a motor vehicle, as defined by Section 501.002, Transportation Code, and:

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

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

(C) in discharging the firearm:

(i) causes bodily injury to any person or damage to any property; or

(ii) places any person in fear of imminent serious bodily injury; or

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

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

SECTION 3. Sections 31.20(c), (d), and (e), Penal Code, are amended to read as follows:

(c) Except as provided by Subsections (d) and (e), an offense under this section is:

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

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

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

(d) If it is shown on the trial of an offense under Subsection (b)(1) that the appropriated mail contained an item of identifying information and the actor committed the offense with the intent to facilitate an offense under Section 32.51, the

offense is:

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

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

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

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

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

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

SECTION 5. This Act takes effect September 1, 2027.