By: Barry H.B. No. 1059

A BILL TO BE ENTITLED

AN ACT

relating to creating the criminal offense of approaching or remaining within 25 feet of a first responder with malicious intent after warning to stay away.

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

SECTION 1. Chapter 38, Penal Code, is amended by adding Section 38.155 to read as follows:

Sec. 38.155. APPROACHING OR REMAINING NEAR FIRST RESPONDER WITH MALICIOUS INTENT AFTER WARNING. (a) In this section:

(1) "First responder" means:

(A) a peace officer;

(B) fire protection personnel as defined by Section 419.021, Government Code;

(C) emergency medical services personnel as defined by Section 773.003, Health and Safety Code; or

(D) a parole officer or community supervision and corrections department officer.

(2) "Harass" means to engage in a pattern of conduct directed at a person with the intent to cause the person to experience substantial emotional distress.

(b) A person commits an offense if:

(1) the person receives a verbal warning issued by an individual the person knows or reasonably should know is a first responder to stay at least 25 feet away from the first responder;

(2) the first responder is lawfully performing an official duty; and

(3) the person intentionally violates the warning by approaching or remaining within 25 feet of the first responder with the intent to:

(A) threaten the first responder with imminent bodily injury;

(B) harass the first responder; or

(C) interfere with the performance of the first responder's official duties.

(c) An offense under this section is a Class B misdemeanor.

(d) For purposes of this section, the actor is presumed to have known the individual is a first responder if the individual was wearing a distinctive uniform or badge indicating the individual's status as first responder.

(e) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under this section or the other law.

SECTION 2. This Act takes effect September 1, 2027.