By: Miles S.B. No. 411

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for certain acts of official oppression.

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

SECTION 1. Section 39.03, Penal Code, is amended by amending Subsection (d) and adding Subsections (e), (f), and (g) to read as follows:

(d) Except as otherwise provided by this section, an [~~An~~] offense under this section is a Class A misdemeanor.

(e) An[~~, except that an~~] offense under this section is a felony of the third degree if the public servant acted with the intent to impair the accuracy of data reported to the Texas Education Agency through the Public Education Information Management System (PEIMS) described by Sections 48.008 and 48.009, Education Code, under a law requiring that reporting.

(f) An offense under this section is a felony of the second degree if the public servant, at the time of the commission of the offense, was a peace officer and:

(1) caused bodily injury to another or threatened another with imminent bodily injury; and

(2) while engaging in the conduct described by Subdivision (1):

(A) caused serious bodily injury to another; or

(B) used or exhibited a deadly weapon.

(g) If conduct constituting an offense under this section also constitutes an offense under another section of this code, the actor may be prosecuted under either section or both sections.

SECTION 2. The change in law made by this Act applies 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 3. This Act takes effect September 1, 2027.