By: Hall S.B. No. 446

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for the offense of assault committed against certain public servants and to the prosecution of the criminal offense of interference with public duties of those public servants.

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

SECTION 1. Sections 22.01(c) and (d), Penal Code, are amended to read as follows:

(c) An offense under Subsection (a)(2) or (3) is a Class C misdemeanor, except that the offense is:

(1) a Class A misdemeanor if the offense is committed under Subsection (a)(3) against an elderly individual or disabled individual, as those terms are defined by Section 22.04;

(2) a Class B misdemeanor if the offense is committed by a person who is not a sports participant against a person the actor knows is a sports participant either:

(A) while the participant is performing duties or responsibilities in the participant's capacity as a sports participant; or

(B) in retaliation for or on account of the participant's performance of a duty or responsibility within the participant's capacity as a sports participant;

(3) a Class B misdemeanor if the offense is committed against a person the actor knows is:

(A) a peace officer, a community supervision and corrections department officer, or a parole officer while the officer is performing a duty or exercising authority imposed or granted by law; or

(B) emergency services personnel while the person is providing emergency services; or

(4) [~~(3)~~] a Class A misdemeanor if the offense is committed against a pregnant individual to force the individual to have an abortion.

(d) For purposes of Subsections [~~Subsection~~] (b) and (c), the actor is presumed to have known the person assaulted was a public servant, including a public servant described by Subsection (c)(3)(A), a security officer, an employee or agent of a utility, 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 38.15(a) and (d-1), Penal Code, are amended to read as follows:

(a) A person commits an offense if the person with criminal negligence interrupts, disrupts, impedes, or otherwise interferes with:

(1) a peace officer, a community supervision and corrections department officer, or a parole officer while the [~~peace~~] officer is performing a duty or exercising authority imposed or granted by law;

(2) a person who is employed to provide emergency medical services including the transportation of ill or injured

persons while the person is performing that duty;

(3) a fire fighter, while the fire fighter is fighting a fire or investigating the cause of a fire;

(4) an animal under the supervision of a peace officer, corrections officer, or jailer, if the person knows the animal is being used for law enforcement, corrections, prison or jail security, or investigative purposes;

(5) the transmission of a communication over a citizen's band radio channel, the purpose of which communication is to inform or inquire about an emergency;

(6) an officer with responsibility for animal control in a county or municipality, while the officer is performing a duty or exercising authority imposed or granted under Chapter 821 or 822, Health and Safety Code;

(7) a person who:

(A) has responsibility for assessing, enacting, or enforcing public health, environmental, radiation, or safety measures for the state or a county or municipality;

(B) is investigating a particular site as part of the person's responsibilities under Paragraph (A);

(C) is acting in accordance with policies and procedures related to the safety and security of the site described by Paragraph (B); and

(D) is performing a duty or exercising authority imposed or granted under the Agriculture Code, Health and Safety Code, Occupations Code, or Water Code; or

(8) a person who is an employee or agent of a utility

while the person is performing a duty within the scope of that employment or agency.

(d-1) Except as provided by Subsection (d-2), in a prosecution for an offense under Subsection (a)(1), there is a rebuttable presumption that the actor interferes with a peace officer, a community supervision and corrections department officer, or a parole officer if it is shown on the trial of the offense that the actor intentionally disseminated the home address, home telephone number, emergency contact information, or social security number of the officer or a family member of the officer or any other information that is specifically described by Section 552.117(a), Government Code.

SECTION 3. 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.

SECTION 4. This Act takes effect September 1, 2027.