

**SUBJECT:** Creating third-degree felony for assault on government contractor

**COMMITTEE:** Criminal Jurisprudence — favorable, without amendment

**VOTE:** 5 ayes — Keel, Riddle, Ellis, Hodge, Talton  
0 nays  
4 absent — Denny, Dunnam, P. Moreno, Pena

**WITNESSES:** No public hearing

**BACKGROUND:** Under Penal Code, sec 22.01(a), a person commits assault by intentionally, knowingly, or recklessly causing bodily injury to another. The offense is a Class A misdemeanor (punishable by up to one year in jail and/or a maximum fine of \$4,000) unless committed against a person whom the offender knew was a public servant while the public servant was discharging an official duty, or in retaliation or on account of an exercise of official power or performance of an official duty, in which case it is a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

**DIGEST:** HB 2525 would make it a third-degree felony to commit assault against a person who contracts with the government to perform a service or against an employee of the contractor while the contractor or employee was engaged in performing a service under the contract, if the offender knew that the contractor or employee was authorized by the government to provide the service, or in retaliation for on account of the contractor's or employee's performance of a service under the contract.  
  
The bill would take effect September 1, 2003.

**SUPPORTERS SAY:** HB 2525 is necessary to protect people who work for the government under contract equally with public servants. If a public servant is assaulted, the crime is a third-degree felony, but if the same assault happens to a person who is working under contract with the government — and may be working side-by-side with public servants — it is only a Class A misdemeanor. This is unfair and makes contractor and their employees more vulnerable to harm.

The assault statute already contains special protections for public servants. People who perform the duties of public servants should receive similar protection under the law. This is especially important in places such as private prisons, where private-sector employees may be guarding inmates without the same legal protections as state prison guards have.

Under HB 2525, a person would have to know that the contractor or employee was authorized by the government to perform a service to be subject to the enhanced penalty for assault.

**OPPONENTS  
SAY:**

It would be inappropriate to elevate private-sector employees to the level of government employees when they are not. This could lead to other groups asking for special protections under the law, whereas victims subject to similar harm should be protected similarly.