

BILL ANALYSIS

Senate Research Center
80R190 BDH-D

S.B. 109
By: Deuell
Criminal Justice
4/2/2007
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Crimes committed against public servants carry an enhanced penalty under current law, which is unclear regarding whether public school teachers are classified as public servants.

As proposed, S.B. 109 adds certain public and private school teachers to the list of persons against whom certain offenses carry enhanced penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 22.01, Penal Code, by amending Subsections (b) and (d), and adding Subsections (d-1) and (d-2), as follows:

(b) Adds a public or private primary or secondary school employee, while the employee is engaged in performing duties within the scope of employment or in retaliation for or on account of such duties, to the list of persons against whom a violation under Subsection 22.01(a)(1), Penal Code, is a third degree felony, rather than a Class A misdemeanor. Provides that such an offense is only a felony while the employee is engaged in performing employment duties or in retaliation for the performance thereof.

(d) Sets forth the circumstances under which an actor is presumed to have known the assaulted person was a public servant, security officer, or school employee.

(d-1) Provides that the time at or place in which the offense occurred is irrelevant for the purposes of Subsection (b)(5).

(d-2) Provides that the penalty increase described by Subsection (b)(5) does not apply if the actor is a student in a special education program under Subchapter A (Special Education Program), Chapter 29, Education Code.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.