

BILL ANALYSIS

H.B. 1306
By: Swanson
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Process servers face risk when performing their duties due to their natural interaction with suspects who may have committed criminal offenses. There have been recent cases in which process servers are attacked for simply carrying out their job. As the role of a process server is vital to the judicial process, it is necessary to safeguard their well-being. H.B. 1306 seeks to deter violence against process servers and ensure that they receive the justice that they deserve by increasing the criminal penalty for assault against process servers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1306 amends the Penal Code to increase the penalty for the following offenses if committed against a person the actor knows is a process server while the person is performing a duty as a process server:

- for assault, from a Class A misdemeanor to a third degree felony; and
- for aggravated assault, from a second degree felony to a first degree felony.

The bill defines "process server" by reference to the Government Code as a person who is certified by the Judicial Branch Certification Commission under order of the Texas Supreme Court to serve process.

EFFECTIVE DATE

September 1, 2021.