

SUBJECT: Increasing penalty for assault, aggravated assault of process server

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 8 ayes — Collier, K. Bell, Cason, Cook, Hinojosa, A. Johnson, Murr, Vasut

1 nay — Crockett

WITNESSES: For — Timothy Quinn, Quinn Private Investigations, PLLC; Linda Coker; Lindsey Kuehn; Stephen Myers; Martin Renteria; (*Registered, but did not testify*: Frederick Frazier, Dallas Police Association/FOP716 State FOP Director; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, HPOU; Jimmy Rodriguez, San Antonio Police Officers Association; AJ Louderback, Sheriffs Association of Texas; Destinee Serdina, Texas Association Of Professional Process Servers; Dallas Reed, Texas Municipal Police Association (TMPA); Rock Robinson, TPSA; and seven individuals)

Against — None

BACKGROUND: Penal Code sec. 22.01 makes assault a criminal offense. Offenses generally are class A misdemeanors (up to one year in jail and/or a maximum fine of \$4,000) but are increased to a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000) if committed against certain types of individuals.

Penal Code sec. 22.02 establishes the offense of aggravated assault. Offenses generally are second-degree felonies (two to 20 years in prison and an optional fine of up to \$10,000) but are increased to first-degree felonies (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) under certain circumstances.

Concerns have been raised about attacks on process servers, who are vital to the judicial process in Texas. Some have proposed increasing the penalty for assaulting a process server to better protect them and deter

assaults.

DIGEST: HB 1306 would make assault a third-degree felony and aggravated assault a first-degree felony if committed against a person the individual knew was a process server and while the persons was performing a duty as a process server.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.