

SUBJECT: Increased penalties for crimes done in retaliation for being public servant

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

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

1 nay — Cason

WITNESSES: For — (*Registered, but did not testify*: Philip Mack Furlow, 106th Judicial District Attorney; Jennifer Szimanski, Combined Law Enforcement Associations of Texas (CLEAT); James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Jessica Anderson, Houston Police Department; Ray Hunt, HPOU; James Smith, San Antonio Police Department; Jimmy Rodriguez, San Antonio Police Officers Association; Tom Maddox, Sheriffs Association of Texas; Laney Mosley, Texas and Southwestern Cattle Raisers Association; Whitney Broughton, Texas Association of School Boards; John Wilkerson, Texas Municipal Police Association; Thomas Parkinson)

Against — None

On — Shannon Edmonds, Texas District and County Attorneys Association; (*Registered, but did not testify*: Frederick Frazier, Dallas Police Assoc/FOP716 State FOP Director)

BACKGROUND: Penal Code sec. 36.06 defines "public servant" as an honorably retired peace officer or a person listed in Penal Code sec. 107. Under sec. 107, "public servant" means a person elected, selected, appointed, employed, or designated as:

- an officer, employee, or agent of government;
- a juror or grand juror;
- an arbitrator, referee, or other authorized by law or private agreement to hear or determine a cause or controversy;

- an attorney or notary public when participating in the performance of a government function;
- a candidate for nomination or election to public office; or
- a person performing a governmental function under a claim of right although the person is not legally qualified to do so.

DIGEST:

HB 624 would increase the punishment for certain criminal offenses if the offense was committed against someone the defendant knew was a public servant or a member of a public servant's family or household or if the offense involved property that the defendant knew belonged to a public servant and the offense was committed in retaliation for the service or status of the person as a public servant. The increased punishments would apply to arson, criminal mischief, criminal trespass, breach of computer security, harassment, stalking, or fraudulent use or possession of identifying information if it involved five or more items.

Punishments would be increased one level. If an offense was a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), the bill would establish a minimum jail term of 180 days. Punishments that were first-degree felonies (life in prison or a sentence of five to 99 years and an optional fine of up to \$10,000) would not be increased.

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

**SUPPORTERS
SAY:**

HB 624 would better protect Texas public servants and their families by increasing punishments for crimes committed against them because of the public servant's status. There have been reports of police officers and even their families being the target of crimes due to the officer's status as a public servant. Although current law could cover some forms of retaliation based on someone being a public servant, there should be protection for the crimes listed in the bill, and current protections might not be adequate for the public servants' families. HB 624 would address this by increasing penalties when certain crimes harmed public servants or their families due to the public servant's status and would give law enforcement authorities another tool to combat those who would retaliate

against public servants or their families.

The bill would apply only to cases in which the defendant knew someone was a public servant or a member of a public servant's household and the crime was committed specifically in retaliation for the service or status of the public servant. These stipulations ensure the bill would be used only in cases in which a higher penalty would be appropriate. Texas statutes governing certain offenses, such as murder, provide enhanced penalties if the offense was committed against peace officers, and HB 624 would be a logical extension of those laws.

**CRITICS
SAY:**

While crimes against public servants and their families are abhorrent, the state should not carve out a special class of victims who receive extra protections except in very narrow circumstances, such as when victims are children. Current law has an offense for obstruction or retaliation, and enhancing the punishment for several offenses based on association with a public servant could distort the state's punishment scheme. Punishments for the crimes that would be enhanced by HB 624 are appropriate for all instances of the offenses.