BILL ANALYSIS

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

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 wellbeing. 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.

H.B. 1306 amends current law relating to increasing the criminal penalty for assault or aggravated assault of a process server.

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(b), Penal Code, to provide that an offense under Subsection (a)(1) (relating to the provision that a person commits an offense by intentionally, knowingly, or recklessly causing bodily injury to another, including the person's spouse) is a Class A misdemeanor, except that the offense is a felony of the third degree if the offense is committed against certain persons, including, a person the actor knows is a process server while the person is performing a duty as a process server. Makes nonsubstantive changes.

SECTION 2. Amends Section 22.01(e), Penal Code, by adding Subdivision (2) to define "process server" for Section 22.01 (Assault).

SECTION 3. Amends Sections 22.02(b) and (d), Penal Code, as follows:

(b) Provides that an offense under Section 22.01 (Aggravated Assault) is a felony of the second degree, except that the offense is a felony of the first degree if, certain conditions are met, including that, the offense is committed against a person the actor knows is a process server while the person is performing a duty as a process server. Makes nonsubstantive changes.

(d) Defines "process server."

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2021.