

83R1336 ADM-F

By: Lozano

H.B. No. 532

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the offense of obstruction of or retaliation against a process server.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 36.06(a) and (b), Penal Code, are amended to read as follows:

(a) A person commits an offense if he intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service or status of another as a:

(A) public servant, process server, witness, prospective witness, or informant; or

(B) person who has reported or who the actor knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a:

(A) public servant, process server, witness, prospective witness, or informant; or

(B) person who has reported or who the actor knows intends to report the occurrence of a crime.

(b) In this section:

(1) "Civil process" means all process issued or sanctioned by a civil court.

(2) "Honorably retired peace officer" means a peace officer who:

(A) did not retire in lieu of any disciplinary action;

(B) was eligible to retire from a law enforcement agency or was ineligible to retire only as a result of an injury received in the course of the officer's employment with the agency; and

(C) is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

(3) [~~(2)~~] "Informant" means a person who has communicated information to the government in connection with any governmental function.

(4) "Process server" means a person who serves civil process.

(5) [~~(3)~~] "Public servant" includes an honorably retired peace officer.

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SECTION 2. This Act takes effect September 1, 2013.