

BILL ANALYSIS

S.B. 201
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Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been noted that the penalty enhancement for looting crimes is not applied to all relevant criminal offenses that occur in a disaster area or evacuated area, leaving only certain offenses open to enhanced criminal penalties. S.B. 201 seeks to address this issue by providing for the enhancement of criminal penalties for the commonly occurring looting crimes of arson, burglary of vehicles, and criminal trespass under certain circumstances.

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

S.B. 201 amends the Penal Code to enhance the penalty for the offenses of arson, burglary of vehicles, and criminal trespass to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense is committed in a disaster area or evacuated area, except that the punishment for a first degree felony offense of arson may not be increased. If an offense of burglary of vehicles or criminal trespass is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.

S.B. 201 repeals Section 12.50(d), Penal Code, which provides a defense against the increase in penalty for a charge of theft in a disaster area or evacuated area that the conduct meets the elements of necessity to justify the conduct.

EFFECTIVE DATE

September 1, 2019.