

SUBJECT: Creating the offense of intimidation by a member of a criminal street gang

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 6 ayes — Moody, Canales, Gervin-Hawkins, Hefner, Lang, Wilson

0 nays

1 absent — Hunter

WITNESSES: For — William M. Knox; (*Registered, but did not testify*: Chris Jones, Combined Law Enforcement Associations of Texas (CLEAT); James Jones, San Antonio Police Department; Ricky Scaman, Sheriffs' Association of Texas; Thomas Parkinson)

Against — (*Registered, but did not testify*: Shea Place, Texas Criminal Defense Lawyers Association)

On — (*Registered, but did not testify*: Manuel Espinosa, Texas Department of Public Safety)

BACKGROUND: Concerns have been raised that members of criminal street gangs may seek to coerce individuals through implied threats of violence, which can be more difficult to prosecute or deter than explicit statements or actions.

DIGEST: HB 731 would create the offense of intimidation by a gang member. A member of a criminal gang would commit the offense if the person, with the intent to cause another person to perform or to omit the performance of any act, communicated to the other person, directly or indirectly, by any means, a threat to:

- inflict bodily injury on the person threatened or someone else;
- damage or destroy property;
- subject anyone to physical confinement or restraint; or
- commit a class A misdemeanor offense or more serious offense.

The offense would be a third-degree felony (two to 10 years in prison and an optional fine of up to \$10,000).

The bill would take effect September 1, 2017.