

SUBJECT: Increasing punishment for certain offenses in a disaster area

COMMITTEE: Criminal Jurisprudence — favorable, without amendment

VOTE: 9 ayes — Collier, Zedler, K. Bell, J. González, Hunter, P. King, Moody, Murr, Pacheco

0 nays

SENATE VOTE: On final passage, April 2 — 31-0

WITNESSES: For — (*Registered, but did not testify:* David Sinclair, Game Warden Peace Officers Association; Mark Clark, Houston Police Officers' Union; Brian Hawthorne, Sheriffs Association of Texas; Noel Johnson, TMPA; Sharon Armke)

Against — None

On — (*Registered, but did not testify:* Shannon Edmonds, Texas District and County Attorneys Association)

BACKGROUND: Penal Code sec. 12.50 authorizes increased penalties for certain offenses committed in a disaster area or evacuated area. Sec. 12.50(d) creates a defense to a charge of theft in the area if the action met the elements of necessity as outlined in the Penal Code.

DIGEST: SB 201 would enhance the penalty for arson, burglary of vehicles and criminal trespassing to the next higher category of offense if the offense was committed in a disaster area or evacuated area, except that the punishment for a first-degree felony offense of arson could not be increased. If the offenses of burglary of vehicles and trespassing offenses were punishable by as a class A misdemeanor (up to one year in jail and/or a maximum fine of \$4,000), the minimum term for confinement would be increased to 180 days.

The bill also would repeal the necessity defense for theft in a disaster area.

The bill would take effect September 1, 2019, and would apply only to offenses committed on or after the bill's effective date.

NOTES:

According to the Legislative Budget Board, the fiscal impact of implementing the bill is indeterminate due to the lack of data or information related to areas that would be impacted by future disasters or evacuations and the number of times the punishment would be increased because the offense occurred in these areas.