

- SUBJECT:** Increasing penalty for certain conduct while participating in a riot
- COMMITTEE:** Homeland Security and Public Safety — favorable, without amendment
- VOTE:** 7 ayes — White, Harless, Hefner, E. Morales, Patterson, Schaefer, Tinderholt
2 nays — Bowers, Goodwin
- SENATE VOTE:** On final passage, April 27 — 31-0
- WITNESSES:** For — April Salazar, Texas Citizens for Border Truth; Mike Miller, Warriors For Ranchers; (*Registered, but did not testify:* Chris Jones, Combined Law Enforcement Associations of Texas; James Parnell, Dallas Police Association; David Sinclair, Game Warden Peace Officers Association; Ray Hunt, Houston Police Officers' Union; Jimmy Rodriguez, San Antonio Police Officers Association; Tom Maddox, Sheriffs Association of Texas; Mitch Landry, Texas Municipal Police Association; John Chancellor, Texas Police Chiefs Association; Thomas Parkinson)
- Against — (*Registered, but did not testify:* Chas Moore, Austin Justice Coalition; Joyce Brown, Mark Brown, Karen Collins, and Georgia Keysor, Indivisible Rosedale Huddle; Jackie Hardee, Rosedale Huddle; Joshua Houston, Texas Impact; and 11 individuals)
- BACKGROUND:** Penal Code sec. 42.02 makes it a crime for a person to knowingly participate in a riot. An offense generally is a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000).
- A "riot" means the assemblage of seven or more persons resulting in conduct which:
- creates an immediate danger of damage to property or injury to persons;
 - substantially obstructs law enforcement or other governmental

- functions or services; or
- by force, threat of force, or physical action deprives any person of a legal right or disturbs any person in the enjoyment of a legal right.

Recent incidents have led to calls for the state riot statute to be updated to provide specific protections for first responders and for the state to offer a method for property owners to be reimbursed for damages incurred as a result of a riot.

DIGEST:

SB 912 would enhance the penalty for the offense of knowingly participating in a riot from a class B misdemeanor to a state-jail felony (180 days to two years in a state jail and an optional fine of up to \$10,000) if the actor knowingly committed or attempted to commit certain assault offenses against a person the actor knew was a first responder while the first responder was performing duties.

The actor would be presumed to have known the person was a first responder if the person was wearing a distinctive uniform or badge indicating the person's status as a first responder.

The bill would require a court to order a defendant convicted of an offense of knowingly participating in a riot to make restitution for any damage to or loss or destruction of property by reimbursing the owner for restoration or replacement costs.

Under the bill, the term "riot" would not include an assemblage of seven or more persons gathering in the exercise of their rights under the First Amendment unless those persons engaged in conduct that constituted a riot under Penal Code sec. 42.02.

The bill would take effect September 1, 2021, and would apply only to an offense committed on or after that date.