

BILL ANALYSIS

Senate Research Center

S.B. 1579
By: West
Criminal Justice
4/9/1999
Committee Report (Amended)

DIGEST

Currently, local law enforcement agencies and Texas correctional personnel report a rising trend in the number of prison gangs who are recruiting members outside of the once-traditional prison environment. Older criminal gang members oftentimes recruit younger children to further the criminal activities of the gang in order to insulate themselves from prosecution. This bill creates a new offense if a person knowingly causes, encourages, recruits, or solicits another person to become a member of a criminal street gang, and as a condition of initiation or membership, requires the commission of any conduct which constitutes a felony.

PURPOSE

As proposed, S.B. 1579 creates an offense for soliciting membership in a criminal street gang.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 71, Penal Code, by adding Section 71.022, as follows:

Sec. 71.022. SOLICITING MEMBERSHIP IN A CRIMINAL STREET GANG. Provides that a person commits an offense if the person knowingly causes, enables, encourages, recruits, or solicits another person to become a member of a criminal street gang, and as a condition for initiation or membership, requires the commission of any conduct which constitutes a Class A or felony offense. Provides that an offense under this section is a felony of the third degree. Provides that a second or subsequent offense under this section is a felony of the second degree.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Amends Section 71.022, Penal Code, to provide that a person commits an offense if the person knowingly causes, enables, encourages, recruits, or solicits another person to become a member of a criminal street gang, and as a condition for initiation or membership, requires the commission of any conduct which constitutes a Class A or felony offense.