

## **BILL ANALYSIS**

Senate Research Center  
80R2888 SLO-D

S.B. 536  
By: West, Royce  
Criminal Justice  
3/26/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

According to the National Coalition for the Homeless, there have been a reported 614 violent attacks and 189 murders of homeless persons nationwide over the past eight years. Thirty-six of those attacks and six of the murders occurred in Texas. Current law does not provide for the prosecution of persons found guilty for these attacks or murders of homeless persons as a hate crime.

As proposed, S.B. 536 adds "homelessness" to the Texas hate crimes statute, allowing prosecutors and judges to prosecute offenders under the hate crimes penal statute. This bill also requires that homelessness be considered a category for which a hate crime is to be reported, which may provide a clearer picture of any trend of attacks against or murders of homeless persons.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Articles 42.014(a) and (c), Code of Criminal Procedure, as follows:

(a) Includes homelessness under the list of certain group identifiers against which a defendant's bias or prejudice led the defendant to intentionally select the person against whom a certain offense was committed, and such is determined beyond a reasonable doubt by the judge or jury, whichever is the trier of the fact, in the trial of the offense under Title 5 (Offenses Against the Person), or Sections 28.02 (Arson), 28.03 (Criminal Mischief), or 28.08 (Graffiti), Penal Code. Requires the judge to make an affirmative finding of fact and enter such finding in the judgment of the case if such a determination is made.

(c) Defines "homelessness." Makes conforming changes.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.