

BILL ANALYSIS

Senate Research Center
81R35695 E

C.S.H.B. 2086
By: Moody (Whitmire)
Criminal Justice
5/21/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill adds to the offense of engaging in organized criminal activity the offenses of escape, permitting or facilitating escape, providing implements for escape, and providing a prohibited substance or item in an adult or juvenile correctional or detention facility or on the property of the Texas Department of Criminal Justice or the Texas Youth Commission.

This bill also expands the conditions that constitute the offense of engaging in organized criminal activity and will assist in the prosecution and punishment of prison gang members and those who assist them from outside the prison walls.

C.S.H.B. 2086 amends current law relating to the prosecution and punishment of the offense of engaging in organized criminal activity.

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 Section 71.02(a), Penal Code, to provide that a person commits an offense if, with the intent to establish, maintain, or participate in a combination or in the profits of a combination or as a member of a criminal street gang, he commits or conspires to commit one or more of certain acts, including any offense under Section 38.06 (Escape), 38.07 (Permitting or Facilitating Escape), 38.09 (Implements for Escape), or 38.11 (Prohibited Substances in Adult or Juvenile Correctional or Detention Facility or on Property of Texas Department of Criminal Justice or Texas Youth Commission).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2009.