

## **BILL ANALYSIS**

Senate Research Center  
81R32909 E

C.S.H.B. 2187  
By: Moody et al. (Carona)  
Transportation & Homeland Security  
5/12/2009  
Committee Report (Substituted)

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

Two related offenses exist under current law: coercing, soliciting, or inducing gang membership and soliciting membership in a criminal street gang. These offenses criminalize similar, but not identical, conduct related to initiation in a criminal street gang, and both offenses provide similar, but not identical, punishment for that conduct. These similarities can cause confusion in the application of the laws, which may inhibit efforts to punish and deter those who seek to expand membership in criminal street gangs.

C.S.H.B. 2187 amends current law relating to the prosecution and punishment of offenses involving coercing, inducing, or soliciting membership in a criminal street gang.

### **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 the heading to Section 71.022, Penal Code, to read as follows:

Sec. 71.022. COERCING, INDUCING, OR SOLICITING MEMBERSHIP IN A CRIMINAL STREET GANG.

SECTION 2. Amends Section 71.022, Penal Code, by adding Subsections (a-1) and (d), as follows:

(a-1) Provides that a person commits an offense if, with intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, the person threatens the child or a member of the child's family with imminent bodily injury or causes bodily injury to the child or a member of the child's family.

(d) Defines "child" and "family."

SECTION 3. Repealer: Section 22.015 (Coercing, Soliciting, or Inducing Gang Membership), Penal Code.

SECTION 4. (a) Makes application of Section 71.022, Penal Code, as amended by this Act, prospective.

(b) Provides that the repeal by this Act of Section 22.015, Penal Code, does not apply to an offense committed under that section before the effective date of the repeal. Provides that an offense committed before the effective date of the repeal is covered by that section as it existed on the date on which the offense was committed, and the former law is continued in effect for that purpose. Provides that, for purposes of this subsection, an offense is committed before the effective date of the repeal if any element of the offense occurs before that date.

SECTION 5. Effective date: September 1, 2009