

BILL ANALYSIS

Senate Research Center

S.B. 201
By: Huffman
State Affairs
5/23/2019
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties contend that the current penalty for looting crimes is not applied to all relevant criminal offenses that occur in declared disaster areas, leaving only certain offenses open to enhanced criminal charges. S.B. 201 seeks to address this issue by increasing criminal penalties for other commonly occurring looting crimes: arson, burglary of vehicles, and criminal trespass. S.B. 201 would also remove the superfluous and nonstandard "necessity defense" for criminal charges occurring in declared disaster areas. (Original Author's/Sponsor's Statement of Intent)

S.B. 201 amends current law relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.

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 Sections 12.50(b) and (c), Penal Code, as follows:

(b) Provides that the increase in punishment authorized by this section (Penalty if Offense Committed in Disaster Area or Evacuated Areas) applies only to an offense under:

- (1) makes no changes to this subdivision;
- (2) Section 28.02 (Arson);
- (3) creates this subdivision from existing text and makes no further changes to this subdivision;
- (4) redesignates existing Subdivision (3) as this subdivision;
- (5) Section 30.04 (Burglary of Vehicles);
- (6) Section 30.05 (Criminal Trespass); and
- (7) redesignates existing Subdivision (4) as this subdivision.

(c) Provides that if an offense listed under Subsection (b)(1), (5), (6), or (7), rather than an offense listed under Subsection (b)(1) or (4), is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. Prohibits the punishment for an offense listed under Subsection (b)(2), (4), or (7), rather than an offense listed under Subsection (b)(3) or (4), that is punishable as a felony of the first degree from being increased under this section.

SECTION 2. Repealer: Section 12.50(d) (relating to a defense that the conduct in question meets certain elements of necessity), Penal Code.

SECTION 3. Makes application of this Act prospective. Provides that, for the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 4. Effective date: September 1, 2019.