

BILL ANALYSIS

Senate Research Center
86R3166 TSS-D

S.B. 201
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State Affairs
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As Filed

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.

As proposed, 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 applies only to an offense under:

- (1) Section 22.01 (Assault);
- (2) Section 28.02 (Arson);
- (3) Section 29.02 (Robbery);
- (4) Section 30.02 (Burglary);
- (5) Section 30.04 (Burglary of Vehicles);
- (6) Section 30.05 (Criminal Trespass); and
- (7) Section 31.03 (Theft).

(c) Provides that if an offense listed under Subsection (b)(1), (5), (6), or (7) is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days. Provides that if an offense listed under Subsection (b)(2), (4), or (7) is punishable as a felony of the first degree, the punishment for that offense may not be 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.