

BILL ANALYSIS

H.B. 1082
By: Fletcher
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law makes it an offense for a person to intentionally, knowingly, or recklessly obstruct certain areas to which the public has access. Interested parties contend that certain protest devices are used to hinder the removal of an obstruction in these areas and that this can cause a prolonged shutdown because it may take longer for emergency personnel to remove those devices. These parties emphasize that considerable safety measures must be used during the removal process to reduce the chance of harm to individuals and that exercising such caution often takes a significant amount of time. The parties also worry that the construction of these devices can endanger the safety of first responders and bystanders. H.B. 1082 seeks to address this issue through an enhanced criminal penalty for such obstruction.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1082 amends the Penal Code to enhance the penalty for the offense of obstructing a highway or other passageway from a Class B misdemeanor to a Class A misdemeanor if, in committing the offense, the actor used a device that is intended to hinder removal of an obstruction.

EFFECTIVE DATE

September 1, 2015.