

BILL ANALYSIS

Senate Research Center
80R10568 SLO-F

H.B. 184
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Criminal Justice
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Assaultive conduct that occurs as a gang initiation process or for the purpose of preserving gang membership status cannot be prosecuted in Texas. When a victim consents to an act of assault, the victim's consent may be used as a defense to a prosecution. Thus, gang members are able to commit assaultive acts against one another, while strengthening their membership levels, and continue to do so unscathed by the criminal justice system.

H.B. 184 removes consent as a defense to charges of assault, aggravated assault, or deadly conduct that takes place as a condition of a defendant's or victim's gang initiation or continued membership in a 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 Section 22.06, Penal Code, as follows:

Sec. 22.06. CONSENT AS DEFENSE TO ASSAULTIVE CONDUCT. (a) Creates this subsection from existing text.

(b) Provides that the defense to prosecution provided by Subsection (a) is not available to a defendant who commits an offense described by Subsection (a) as a condition of the defendant's or the victim's initiation or continued membership in a criminal street gang, as defined by Section 71.01 (Definitions).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.