

BILL ANALYSIS

Senate Research Center
86R17623 TSS-D

H.B. 1028
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been suggested that the penalties for certain burglary and arson offenses committed in areas declared a state of disaster or subject to an emergency evacuation order are too lenient given the vulnerability of residents already impacted by the disaster. H.B. 1028 seeks to address this issue by increasing the penalties for certain offenses committed in these areas.

H.B. 1028 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), (c), and (d), Penal Code, as follows:

(b) Provides that the increase in punishment authorized by this section (Penalty if Offense Committed in Disaster Area or Evacuated Area) 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;
- (4) redesignates existing Subdivision (3) as this subdivision and makes no further changes;
- (5) Section 30.03 (Burglary of Coin-Operated or Coin Collection Machines);
- (6) Section 30.04 (Burglary of Vehicles); and
- (7) redesignates existing Subdivision (4) as this subdivision and makes no further changes.

(c) Deletes existing text relating to a minimum term of confinement for an offense increasing to 180 days if an offense if an offense listed under Subsection (b)(1) (relating to the offense of assault) or (4) (relating to the offense of theft) is punishable as a Class A misdemeanor. Prohibits the punishment of an offense, if an offense listed under Subsection (b)(2), (4), or (7) (relating to the offense of theft), rather than under Subsection (b)(2), (b)(3) (relating to the offense of burglary), or (4), is punishable as a felony of the first degree, from being increased under this section.

(d) Makes a conforming change to this subsection.

SECTION 2. Makes application of this Act prospective. Provides that, for purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

SECTION 3. Effective date: September 1, 2019.