

By: Ellzey

H.B. No. 3205

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalty for committing certain offenses while wearing a mask or military-style gear.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.501 to read as follows:

Sec. 12.501. ENHANCED PENALTY FOR COMMITTING CERTAIN OFFENSES WHILE WEARING MASK OR MILITARY-STYLE GEAR. (a) In this section:

(1) "Mask" means a full or partial covering for all or part of the face that is worn as a disguise and that would make rendering identification more difficult or impossible. The term does not include a face mask worn to prevent the spread of an infectious disease.

(2) "Military-style gear" means clothing that is:

(A) substantially similar to clothing issued to a member of the military; and

(B) necessary or useful for performing a military duty or function.

(b) The punishment for an offense described by Subsection (c) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that during the commission of the offense the actor wore:

(1) a mask; or

1           (2) military-style gear.

2           (c) The increase in punishment authorized by this section  
3 applies only to an offense under:

4           (1) Section 42.01;

5           (2) Section 42.02, if punishable under Subsection (e)  
6 of that section; and

7           (3) Section 42.03.

8           SECTION 2. The change in law made by this Act applies only  
9 to an offense committed on or after the effective date of this Act.  
10 An offense committed before the effective date of this Act is  
11 governed by the law in effect on the date the offense was committed,  
12 and the former law is continued in effect for that purpose. For  
13 purposes of this section, an offense was committed before the  
14 effective date of this Act if any element of the offense occurred  
15 before that date.

16           SECTION 3. This Act takes effect September 1, 2021.