

By: Oliverson, Little, Louderback, et al.

H.B. No. 3061

A BILL TO BE ENTITLED

AN ACT

relating to enhancing the punishment for committing certain criminal offenses while disguised or masked.

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

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.505 to read as follows:

Sec. 12.505. ENHANCED PENALTY FOR COMMITTING OFFENSE WHILE DISGUISED OR MASKED. (a) Subject to Subsection (c), the punishment for an offense described by Subsection (b) 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 was:

(1) disguised or masked:

(A) in such a manner as to hide the actor's identity or make the actor's identity difficult to determine; and

(B) for the purpose of concealing the actor's identity; and

(2) congregating with other individuals who were disguised or masked.

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

(1) Title 5;

(2) Chapter 28, 29, or 30; or

(3) Section 42.01 or 42.02.

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

7 (d) At the punishment stage of a trial in which the attorney
8 representing the state seeks the increase in punishment authorized
9 by this section, the defendant may raise the issue as to whether the
10 purpose of wearing the disguise or mask was for Halloween, a
11 masquerade ball, or a similar celebration. If the defendant proves
12 the issue in the affirmative by a preponderance of the evidence, the
13 increase in punishment provided by this section does not apply.

14 (e) For purposes of this section, "disguised or masked"
15 means using artificial methods of rendering identification
16 impossible or more difficult than in the absence of these methods.

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 3. This Act takes effect September 1, 2025.