

BILL ANALYSIS

Senate Research Center
79R405 MSE-D

H.B. 68
By: McClendon (Williams)
Criminal Justice
5/6/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In an effort to curtail gang activity in neighborhoods, legislation has been enacted that prohibits people who create a public nuisance from repeatedly gathering in the same location. Although the legislation has been successful and many neighborhoods have been made safer, a slight modification is necessary to make the statute more effective. When the law originally passed, a person who participated in gang activity as well as a person who owns or is responsible for a location where gang activity occurs five times in a period of six months could be subject to reasonable requirements to prevent future gang activity. The problem with the statute is that the six-month time period is too short and it acts like a revolving door as an occurrence if gang activity falls off the books every six months.

H.B. 68 increases the time period for the five occurrences of gang activity from six months to 12 months.

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 125.061(2), Civil Practice and Remedies Code, to redefine "continuously or regularly."

SECTION 2. Makes application of this Act prospective to the effective date of this Act or in the six-month period immediately preceding the effective date of this Act.

SECTION 3. Effective date: September 1, 2005.