

By: Moreno of Harris

H.B. No. 3472

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of theft committed during a natural disaster.

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

SECTION 1. Section 31.03(f), Penal Code, is amended to read as follows:

(f) An offense described for purposes of punishment by Subsections (e)(1)-(6) is increased to the next higher category of offense if it is shown on the trial of the offense that:

(1) the actor was a public servant at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of his status as a public servant;

(2) the actor was in a contractual relationship with government at the time of the offense and the property appropriated came into the actor's custody, possession, or control by virtue of the contractual relationship; ~~or~~

(3) the owner of the property appropriated was at the time of the offense an elderly individual; or

(4) the offense was committed at a location where a natural disaster, including a tornado, hurricane, flood, or fire, was occurring at the time of the offense or occurred immediately before the offense was committed.

SECTION 2. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.
2 An offense committed before the effective date of this Act is
3 covered by the law in effect when the offense was committed, and the
4 former law is continued in effect for that purpose. For purposes of
5 this section, an offense is committed before the effective date of
6 this Act if any element of the offense occurs before the effective
7 date.

8 SECTION 3. This Act takes effect September 1, 2005.