

BILL ANALYSIS

H.B. 761
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Defense & Veterans' Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In the days following Hurricane Ike, many Gulf Coast counties saw an increase in property crimes as criminals took advantage of power outages to engage in looting. Reports of crime came in from gas stations, pharmacies, pawn shops, and other businesses as streets were dark and alarms disabled. Local police departments were forced to mobilize additional officers to try to prevent these crimes.

H.B. 761 increases penalties for property crimes that are committed during a time of declared disaster, to crack down on people who take advantage of others when they are especially vulnerable, and to reassure home and business owners that they will be protected during a period of emergency.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 761 amends the Penal Code to increase the punishment for property offenses relating to arson, criminal mischief, property damage, robbery, burglary, criminal trespass, and theft to the punishment prescribed for the next highest category of offense if it is shown on the trial of the offense that, on the date the actor committed any element of the offense, the area in which the actor committed the offense was an area declared by the governor to be under a state of disaster or declared by the governing body of a political subdivision to be under a state of local disaster. The bill specifies that if the offense for which punishment is increased is ordinarily punished as a Class A misdemeanor, the offense remains a Class A misdemeanor, the minimum term of confinement for which is increased to 180 days.

EFFECTIVE DATE

September 1, 2009.