

By: Creighton, Eiland, Ortiz, Jr., et al.

H.B. No. 761

A BILL TO BE ENTITLED

AN ACT

relating to the penalty for certain property offenses committed during certain declared states of disaster.

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

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section 12.50 to read as follows:

Sec. 12.50. PENALTIES FOR CERTAIN PROPERTY OFFENSES COMMITTED DURING DISASTER. (a) Subject to Subsection (b), the punishment for an offense under Chapter 28, 29, 30, or 31 is increased 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 that:

(1) the governor declared under Section 418.014, Government Code, to be under a state of disaster; or

(2) under Section 418.108, Government Code, by order or proclamation was declared, continued, or renewed to be under a local state of disaster.

(b) If the offense for which punishment is increased under this section 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.

SECTION 2. The change in law made by this Act applies only to an offense committed on or after the effective date of this Act.

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

6 SECTION 3. This Act takes effect September 1, 2009.