

By: Eiland

H.B. No. 4101

A BILL TO BE ENTITLED

1 AN ACT
2 relating to punishment for the offense of theft committed in
3 certain evacuated or disaster areas.

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

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

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

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

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

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

20 (4) the offense was committed in an area that is:

21 (A) considered to be a disaster area under
22 Section 418.014 or 418.108, Government Code; or

23 (B) subject to an emergency evacuation order.

24 SECTION 2. Section 31.03(h), Penal Code, is amended by

1 adding Subdivision (3) to read as follows:

2 (3) "Emergency evacuation order" means an official
3 statement issued by the governing body of this state or a political
4 subdivision of this state to recommend or require the evacuation of
5 all or part of the population of an area stricken or threatened with
6 a disaster.

7 SECTION 3. The change in law made by this Act applies only
8 to an offense committed on or after the effective date of this Act.
9 An offense committed before the effective date of this Act is
10 governed by the law in effect when the offense was committed, and
11 the former law is continued in effect for that purpose. For
12 purposes of this section, an offense was committed before the
13 effective date of this Act if any element of the offense occurred
14 before that date.

15 SECTION 4. This Act takes effect September 1, 2009.