

By: Menendez

H.B. No. 1622

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to suits to enjoin gang activity that constitutes a public  
3 nuisance.

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

5 SECTION 1. Section 125.061(3), Civil Practice and Remedies  
6 Code, is amended to read as follows:

7 (3) "Gang activity" means the following types of  
8 conduct:

9 (A) organized criminal activity as described by  
10 Section 71.02, Penal Code;

11 (B) terroristic threat as described by Section  
12 22.07, Penal Code;

13 (C) coercing, soliciting, or inducing gang  
14 membership as described by Section 22.015, Penal Code;

15 (D) criminal trespass as described by Section  
16 30.05, Penal Code;

17 (E) disorderly conduct as described by Section  
18 42.01, Penal Code;

19 (F) criminal mischief as described by Section  
20 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;

21 (G) a graffiti offense in violation of Section  
22 28.08, Penal Code~~[, that:~~

23 [~~(i) causes a pecuniary loss of \$500 or~~  
24 ~~more, or~~

1                   ~~[(ii) occurs at a school, an institution of~~  
2 ~~higher education, a place of worship or human cemetery, a public~~  
3 ~~monument, or a community center that provides medical, social, or~~  
4 ~~educational programs];~~

5                   (H) a weapons offense in violation of Chapter 46,  
6 Penal Code; or

7                   (I) unlawful possession of a substance or other  
8 item in violation of Chapter 481, Health and Safety Code.

9           SECTION 2. Section 125.067(c), Civil Practice and Remedies  
10 Code, is amended to read as follows:

11           (c) If an appeal is not taken by a person temporarily  
12 enjoined under this subchapter, the person is entitled to a trial on  
13 the merits not later than the 90th day after the date of the  
14 temporary injunctive order, unless otherwise ordered by the court.

15           SECTION 3. The change in law made by this Act applies only  
16 to a cause of action that accrues on or after the effective date of  
17 this Act. A cause of action that accrues before the effective date  
18 of this Act is governed by the law in effect immediately before the  
19 effective date of this Act, and that law is continued in effect for  
20 that purpose.

21           SECTION 4. This Act takes effect September 1, 2011.