

1-1 By: Menendez (Senate Sponsor - Wentworth) H.B. No. 1622
1-2 (In the Senate - Received from the House May 4, 2011;
1-3 May 5, 2011, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2011, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to suits to enjoin gang activity that constitutes a public
1-9 nuisance.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 125.061(3), Civil Practice and Remedies
1-12 Code, is amended to read as follows:

1-13 (3) "Gang activity" means the following types of
1-14 conduct:

1-15 (A) organized criminal activity as described by
1-16 Section 71.02, Penal Code;

1-17 (B) terroristic threat as described by Section
1-18 22.07, Penal Code;

1-19 (C) coercing, soliciting, or inducing gang
1-20 membership as described by Section 22.015, Penal Code;

1-21 (D) criminal trespass as described by Section
1-22 30.05, Penal Code;

1-23 (E) disorderly conduct as described by Section
1-24 42.01, Penal Code;

1-25 (F) criminal mischief as described by Section
1-26 28.03, Penal Code, that causes a pecuniary loss of \$500 or more;

1-27 (G) a graffiti offense in violation of Section
1-28 28.08, Penal Code ~~[, that:~~

1-29 ~~[(i) causes a pecuniary loss of \$500 or~~
1-30 ~~more; or~~

1-31 ~~[(ii) occurs at a school, an institution of~~
1-32 ~~higher education, a place of worship or human cemetery, a public~~
1-33 ~~monument, or a community center that provides medical, social, or~~
1-34 ~~educational programs];~~

1-35 (H) a weapons offense in violation of Chapter 46,
1-36 Penal Code; or

1-37 (I) unlawful possession of a substance or other
1-38 item in violation of Chapter 481, Health and Safety Code.

1-39 SECTION 2. Section 125.067(c), Civil Practice and Remedies
1-40 Code, is amended to read as follows:

1-41 (c) If an appeal is not taken by a person temporarily
1-42 enjoined under this subchapter, the person is entitled to a trial on
1-43 the merits not later than the 90th day after the date of the
1-44 temporary injunctive order, unless otherwise ordered by the court.

1-45 SECTION 3. The change in law made by this Act applies only
1-46 to a cause of action that accrues on or after the effective date of
1-47 this Act. A cause of action that accrues before the effective date
1-48 of this Act is governed by the law in effect immediately before the
1-49 effective date of this Act, and that law is continued in effect for
1-50 that purpose.

1-51 SECTION 4. This Act takes effect September 1, 2011.

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