

BILL ANALYSIS

S.B. 549
By: Williams
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties assert that additional legislative action is necessary to address criminal gang leadership that directs felony gang activity but often avoids strict penalties by blaming the actions on other gang members. S.B. 549 seeks to strengthen organized crime statutes by imposing more stringent parole eligibility requirements and longer minimum prison sentences on inmates convicted of certain offenses relating to organized crime and revising the conduct that constitutes directing activities of criminal street gangs.

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

S.B. 549 amends the Code of Criminal Procedure to require a court to issue to a jury during the penalty phase of a trial of a defendant found guilty of the offense of engaging in organized criminal activity or the offense of directing activities of certain criminal street gangs a specific charge that provides information regarding parole eligibility and good conduct time and the jury's consideration of the existence, but not the extent or manner of application, of parole law and good conduct time.

S.B. 549 amends the Government Code to make an inmate serving a sentence for an offense of engaging in organized criminal activity or an offense of directing activities of certain criminal street gangs ineligible for release on parole until the inmate's actual calendar time served, without consideration of good conduct time, equals one-half of the sentence or 30 calendar years, whichever is less, but in no event in less than two calendar years.

S.B. 549 reenacts and amends Section 508.149(a), Government Code, as amended by Chapters 1 (S.B. 24) and 122 (H.B. 3000), Acts of the 82nd Legislature, Regular Session, 2011, to prohibit the release to mandatory supervision of an inmate who is serving a sentence for or has been previously convicted of a first degree felony offense of engaging in organized criminal activity or a first degree felony offense of directing activities of certain criminal street gangs.

S.B. 549 amends the Penal Code to specify that the first degree felony offense of engaging in organized criminal activity is punishable by imprisonment in the Texas Department of Criminal Justice (TDCJ) for life or for any term of not more than 99 years or less than 15 years if the most serious offense that the person committed or conspired to commit is a first degree felony. The bill revises the conduct that constitutes the offense of directing activities of criminal street gangs to make it such an offense to knowingly, as part of the identifiable leadership of a criminal street gang, finance, direct, or supervise the commission of, or a conspiracy to commit, one or more specified felony offenses by members of a criminal street gang, rather than to knowingly initiate, organize, plan, finance, direct, manage, or supervise a criminal street gang or members of a criminal street gang with the intent to benefit, promote, or further the gang's interests or to

increase the person's standing, position, or status in the gang. The bill specifies that the punishment for the offense of directing activities of criminal street gangs is imprisonment in TDCJ for life or for any term of not more than 99 years or less than 25 years. The bill broadens the definition of "criminal street gang" for purposes of statutory provisions regarding the offense of directing activities of criminal street gangs.

EFFECTIVE DATE

September 1, 2013.