

## **BILL ANALYSIS**

C.S.H.B. 2032  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerned observers contend that the current punishments for certain crimes committed in vehicles operated by public transit systems are insufficient deterrents to criminals and do not take into account the seriousness of such acts. C.S.H.B. 2032 seeks to address this issue by increasing the penalty for certain assault, robbery, and sexual offenses committed in a vehicle operated by a public transportation system.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **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**

C.S.H.B. 2032 amends the Penal Code to enhance the penalty for certain sexual, assaultive, or robbery offenses to the next higher category of offense if it is shown on the trial of the offense that the offense was committed in a vehicle used by the public for mass transit purposes operated by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, county mass transit authority, rural and urban transit district, or coordinated county transportation authority. The bill excludes from that penalty enhancement an offense for which the punishment otherwise prescribed is the punishment for a first degree felony or capital felony.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2032 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### **INTRODUCED**

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section

#### **HOUSE COMMITTEE SUBSTITUTE**

SECTION 1. Subchapter D, Chapter 12, Penal Code, is amended by adding Section

85R 23174

17.102.836

Substitute Document Number: 85R 21717

12.501 to read as follows:

Sec. 12.501. PENALTY IF OFFENSE COMMITTED ON PREMISES OF PUBLIC TRANSPORTATION. (a)

Subject to Subsection (c), the punishment for an offense described by Subsection (b) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed on the premises of an authority created under Chapter 451, 452, 453, 457, 458, or 460, Transportation Code.

(b) The increase in punishment authorized by this section applies only to an offense under Chapter 21, 22, or 29.

(c) This section does not apply to an offense for which the punishment otherwise prescribed is the punishment for a first degree felony or capital felony.

(d) For the purposes of this section, "premises" means a bus, a vehicle, a railcar, rolling stock, a station platform, a bus stop, a bus shelter, a parking lot, a garage, a passenger terminal, or a sales outlet used by the public for mass transit purposes.

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. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 3. This Act takes effect September 1, 2017.

12.501 to read as follows:

Sec. 12.501. PENALTY IF OFFENSE COMMITTED IN PUBLIC TRANSPORTATION VEHICLE. (a)

Subject to Subsection (c), the punishment for an offense described by Subsection (b) is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed in a vehicle operated by an authority created under Chapter 451, 452, 453, 457, 458, or 460, Transportation Code.

(b) The increase in punishment authorized by this section applies only to an offense under Chapter 21, 22, or 29.

(c) This section does not apply to an offense for which the punishment otherwise prescribed is the punishment for a first degree felony or capital felony.

(d) For the purposes of this section, "vehicle" means a bus, a railcar, rolling stock, or other vehicle used by the public for mass transit purposes.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.