86R17623 TSS-D

By:  Guillen H.B. No. 1028

Substitute the following for H.B. No. 1028:

By:  Moody C.S.H.B. No. 1028

A BILL TO BE ENTITLED

AN ACT

relating to increasing the criminal penalties for certain offenses committed in a disaster area or an evacuated area.

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

SECTION 1.  Sections 12.50(b), (c), and (d), Penal Code, are amended to read as follows:

(b)  The increase in punishment authorized by this section applies only to an offense under:

(1)  Section 22.01;

(2)  Section 28.02;

(3)  Section 29.02;

(4) [~~(3)~~]  Section 30.02;

(5)  Section 30.03;

(6)  Section 30.04; and

(7) [~~(4)~~]  Section 31.03.

(c)  [~~If an offense listed under Subsection (b)(1) or (4) is punishable as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days.~~] If an offense listed under Subsection (b)(2), [~~(b)(3) or~~] (4), or (7) is punishable as a felony of the first degree, the punishment for that offense may not be increased under this section.

(d)  It is a defense to a charge under Subsection (b)(7) [~~(b)(4)~~] that the conduct in question meets the elements of necessity outlined in Section 9.22.

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 was committed before that date.

SECTION 3.  This Act takes effect September 1, 2019.