

By: Guillen

H.B. No. 1028

A BILL TO BE ENTITLED

1 AN ACT
2 relating to increasing the criminal penalties for certain offenses
3 committed in a disaster area or an evacuated area.

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

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

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

- 9 (1) Section 22.01;
10 (2) Section 28.02;
11 (3) Section 29.02;
12 (4) [~~(3)~~] Section 30.02;
13 (5) Section 30.03;
14 (6) Section 30.04; and
15 (7) [~~(4)~~] Section 31.03.

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

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

1 SECTION 2. The change in law made by this Act applies only
2 to an offense committed on or after the effective date of this Act.
3 An offense committed before the effective date of this Act is
4 governed by the law in effect on the date the offense was committed,
5 and the former law is continued in effect for that purpose. For
6 purposes of this section, an offense was committed before the
7 effective date of this Act if any element of the offense was
8 committed before that date.

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