

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

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.