

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 29.02;
11 (3) Section 30.02; ~~and~~
12 (4) Section 30.03;
13 (5) Section 30.04; and
14 (6) Section 31.03.

15 (c) ~~[If an offense listed under Subsection (b)(1) or (4) is~~
16 ~~punishable as a Class A misdemeanor, the minimum term of~~
17 ~~confinement for the offense is increased to 180 days.]~~ If an offense
18 listed under Subsection (b)(3) or (6) ~~[(4)]~~ is punishable as a
19 felony of the first degree, the punishment for that offense may not
20 be increased under this section.

21 (d) It is a defense to a charge under Subsection (b)(6)
22 ~~[(b)(4)]~~ that the conduct in question meets the elements of
23 necessity outlined in Section 9.22.

24 SECTION 2. The change in law made by this Act applies only

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

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