

BILL ANALYSIS

S.B. 912
By: Buckingham
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In recent years, a number of incidents have occurred nationwide, including in Texas, that could be considered to be riots. During these incidents, a number of first responders have suffered severe injuries while others have even died. These incidents have also caused significant property damage leading to business closures. There have been calls for state law criminalizing the knowing participation in a riot to be updated to provide specific protections for first responders and for the state to offer a method for property owners to be reimbursed for damages incurred as a result of a riot. S.B. 912 seeks to deter violent rioters from causing harm to first responders by enhancing criminal penalties and to provide restitution to property owners that incur damages as a result of these riots so that the property owner is not responsible for the cost of restoring or replacing damaged property.

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

S.B. 912 amends the Penal Code to enhance the penalty for the offense of knowingly participating in a riot from a Class B misdemeanor to a state jail felony if it shown on the trial of the offense that the actor, while participating in the riot, knowingly committed or attempted to commit an assaultive offense involving the following conduct against a person the actor knew was a first responder while the person was performing a duty as a first responder:

- intentionally, knowingly, or recklessly causing bodily injury to the other person; or
- intentionally or knowingly causing physical contact with the other person when the actor knows or should reasonably believe that the other person will regard the contact as offensive or provocative.

The actor is presumed to have known the person was a first responder if the person was wearing a distinctive uniform or badge indicating the person's status as a first responder. The bill provides that, for the purposes of the offense, an assemblage of seven or more persons gathering in the exercise of their rights under the First Amendment to the U.S. Constitution is not a riot unless those persons engage in conduct that otherwise constitutes a riot.

S.B. 912 amends the Code of Criminal Procedure to require a court to order a defendant convicted of the offense of knowingly participating in a riot to make restitution for any damage

to or loss or destruction of property by reimbursing the property owner for the cost of restoring or replacing the property.

EFFECTIVE DATE

September 1, 2021.