

BILL ANALYSIS

Senate Research Center
87R7254 EAS-F

S.B. 912
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Section 42.02, Penal Code, also known as the riot statute, has not been updated or amended in decades. As the statute defines a riot and provides penalties for those that knowingly engage in riots. However, the riots that occurred during 2020 and 2021 led to many first responders suffering severe injuries, and even death. The riots also caused significant property damage leading to business closures and property owners deciding to move locations.

Currently, the riot statute does not provide specific protections for first responders nor does it offer a method for property owners to be reimbursed for damages incurred as a result of riots. S.B. 912 seeks to deter violent rioters from harming first responders and provide restitution to property owners that incur damages as a result of riots.

S.B. 912 would increase the criminal penalty for those who intentionally seek out and harm first responders during a riot. The bill would also direct a court to order restitution upon conviction for any property damage caused by a rioter and require that bad actor to reimburse the property owner for the cost of restoring or replacing the property.

As proposed, S.B. 912 amends current law relating to increasing the criminal penalty for certain conduct engaged in while participating in a riot and to restitution for property damage resulting from participating in a riot.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 42.02, Penal Code, by amending Subsections (a) and (e) and adding Subsections (g) and (h), as follows:

(a) Defines "first responder." Makes nonsubstantive changes.

(e) Provides that, except as provided by Subsections (f) (relating to the classification of an offense under this section) and (g), rather than as provided in Subsection (f), an offense under this section is a Class B misdemeanor.

(g) Provides that an offense under Section 42.02 (Riot) is a state jail felony if it is shown on the trial of the offense that the actor, while participating in the riot, knowingly committed or attempted to commit an offense under Section 22.01(a)(1) or (3) (relating to intentionally or knowingly causing bodily injury or certain physical contact with another person) against a person the actor knew was a first responder while the person was performing a duty as a first responder.

(h) Provides that, for purposes of Subsection (g), 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.

SECTION 2. Amends Article 42.037, Code of Criminal Procedure, by adding Subsection (w), to require the court to order a defendant convicted of an offense under Section 42.02, Penal Code, to make restitution for any damage to or loss or destruction of property by reimbursing the owner of the property for the cost of restoring or replacing the property.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.