

By: Rose

H.B. No. 3483

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to increasing the punishment for the criminal offense of  
3 making a false alarm or report to cause action by a law enforcement  
4 agency against another person and for making that false alarm or  
5 report because of bias or prejudice.

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

7 SECTION 1. Article 42.014, Code of Criminal Procedure, is  
8 amended by adding Subsection (a-1) to read as follows:

9 (a-1) In the trial of an offense under Section 42.06(a)(1),  
10 Penal Code, the judge shall make an affirmative finding of fact and  
11 enter the affirmative finding in the judgment of the case if at the  
12 guilt or innocence phase of the trial, the judge or the jury,  
13 whichever is the trier of fact, determines beyond a reasonable  
14 doubt that the defendant:

15 (1) committed the offense for the purpose of causing a  
16 law enforcement agency to take action against another person; and

17 (2) intentionally selected the person described by  
18 Subdivision (1) because of the defendant's bias or prejudice  
19 against a group identified by race, color, disability, religion,  
20 national origin or ancestry, age, gender, or sexual preference or  
21 by status as a peace officer or judge.

22 SECTION 2. Section 12.47(a), Penal Code, is amended to read  
23 as follows:

24 (a) If an affirmative finding under Article 42.014, Code of

1 Criminal Procedure, is made in the trial of an offense other than a  
2 first degree felony or a Class A misdemeanor, the punishment for the  
3 offense is increased to the punishment prescribed for the next  
4 highest category of offense. If the offense is a Class A  
5 misdemeanor, the minimum term of confinement for the offense is  
6 increased to 180 days. This section does not apply to the trial of  
7 an offense of injury to a disabled individual under Section 22.04,  
8 if the affirmative finding in the case under Article 42.014(a)  
9 [42.014], Code of Criminal Procedure, shows that the defendant  
10 intentionally selected the victim because the victim was disabled.

11 SECTION 3. Section 42.06(b), Penal Code, is amended to read  
12 as follows:

13 (b) An offense under this section is a Class A misdemeanor,  
14 except that the offense is:

15 (1) subject to Subdivision (2), a state jail felony if  
16 ~~[unless]~~ the false report is of an emergency involving a public or  
17 private institution of higher education or involving a public  
18 primary or secondary school, public communications, public  
19 transportation, public water, gas, or power supply or other public  
20 service; and

21 (2) for an offense committed under Subsection (a)(1)  
22 for the purpose of causing action by a law enforcement agency  
23 against another person:

24 (A) [~~, in which event the offense is~~] a state jail  
25 felony if an action taken by any law enforcement agency in response  
26 to the false report results in serious bodily injury to any person;  
27 or

1                   (B) a felony of the third degree if an action  
2 taken by any law enforcement agency in response to the false report  
3 results in the death of any person.

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

12           SECTION 5. This Act takes effect September 1, 2021.