

By: Slawson

H.B. No. 3652

A BILL TO BE ENTITLED

AN ACT

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.

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

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

(a) In [~~For the purpose of~~] this section:

(1) "First responder" has the meaning assigned by Section 421.095, Government Code.

(2) "Riot" [~~,"riot"~~] means the assemblage of seven or more persons resulting in conduct which:

(A) [~~(1)~~] creates an immediate danger of damage to property or injury to persons;

(B) [~~(2)~~] substantially obstructs law enforcement or other governmental functions or services; or

(C) [~~(3)~~] by force, threat of force, or physical action deprives any person of a legal right or disturbs any person in the enjoyment of a legal right.

(e) Except as provided by Subsections [~~in Subsection~~] (f) and (g), an offense under this section is a Class B misdemeanor.

(g) An offense under this section is a state jail felony if it is shown on the trial of the offense that the actor, while

1 participating in the riot, knowingly committed or attempted to  
2 commit an offense under Section 22.01(a)(1) or (3) against a person  
3 the actor knew was a first responder while the person was performing  
4 a duty as a first responder.

5 (h) For purposes of Subsection (g), the actor is presumed to  
6 have known the person was a first responder if the person was  
7 wearing a distinctive uniform or badge indicating the person's  
8 status as a first responder.

9 SECTION 2. Article 42.037, Code of Criminal Procedure, is  
10 amended by adding Subsection (w) to read as follows:

11 (w) The court shall order a defendant convicted of an  
12 offense under Section 42.02, Penal Code, to make restitution for  
13 any damage to or loss or destruction of property by reimbursing the  
14 owner of the property for the cost of restoring or replacing the  
15 property.

16 SECTION 3. The change in law made by this Act applies only  
17 to an offense committed on or after the effective date of this Act.  
18 An offense committed before the effective date of this Act is  
19 governed by the law in effect on the date the offense was committed,  
20 and the former law is continued in effect for that purpose. For  
21 purposes of this section, an offense was committed before the  
22 effective date of this Act if any element of the offense was  
23 committed before that date.

24 SECTION 4. This Act takes effect September 1, 2021.