

By: Miles

S.B. No. 81

A BILL TO BE ENTITLED

AN ACT

relating to making certain false alarms or reports because of bias or prejudice; increasing a criminal penalty.

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

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

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

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

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

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

(a) If an affirmative finding under Article 42.014, Code of Criminal Procedure, is made in the trial of an offense other than a first degree felony or a Class A misdemeanor, the punishment for the

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

9 SECTION 3. The change in law made by this Act applies only  
10 to an offense committed on or after the effective date of this Act.  
11 An offense committed before the effective date of this Act is  
12 governed by the law in effect on the date the offense was committed,  
13 and the former law is continued in effect for that purpose. For  
14 purposes of this section, an offense was committed before the  
15 effective date of this Act if any element of the offense occurred  
16 before that date.

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