

By: Buckingham, et al.

S.B. No. 912

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 (a-1), (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.

(a-1) The term "riot" as defined by Subsection (a) does not include an assemblage of seven or more persons gathering in the exercise of their rights under the First Amendment to the United States Constitution unless those persons engage in conduct

1 described by Subsections (a)(2)(A)-(C).

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

4 (g) An offense under this section is a state jail felony if  
5 it is shown on the trial of the offense that the actor, while  
6 participating in the riot, knowingly committed or attempted to  
7 commit an offense under Section 22.01(a)(1) or (3) against a person  
8 the actor knew was a first responder while the person was performing  
9 a duty as a first responder.

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

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

16 (w) The court shall order a defendant convicted of an  
17 offense under Section 42.02, Penal Code, to make restitution for  
18 any damage to or loss or destruction of property by reimbursing the  
19 owner of the property for the cost of restoring or replacing the  
20 property.

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

1 committed before that date.

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