

1-1 By: Buckingham S.B. No. 912
 1-2 (In the Senate - Filed March 2, 2021; March 11, 2021, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 20, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 20, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to increasing the criminal penalty for certain conduct
 1-20 engaged in while participating in a riot and to restitution for
 1-21 property damage resulting from participating in a riot.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 42.02, Penal Code, is amended by
 1-24 amending Subsections (a) and (e) and adding Subsections (g) and (h)
 1-25 to read as follows:

1-26 (a) In ~~[For the purpose of]~~ this section:

1-27 (1) "First responder" has the meaning assigned by
 1-28 Section 421.095, Government Code.

1-29 (2) "Riot" ~~["riot"]~~ means the assemblage of seven or
 1-30 more persons resulting in conduct which:

1-31 (A) ~~[(1)]~~ creates an immediate danger of damage
 1-32 to property or injury to persons;

1-33 (B) ~~[(2)]~~ substantially obstructs law
 1-34 enforcement or other governmental functions or services; or

1-35 (C) ~~[(3)]~~ by force, threat of force, or physical
 1-36 action deprives any person of a legal right or disturbs any person
 1-37 in the enjoyment of a legal right.

1-38 (e) Except as provided by Subsections ~~[in Subsection]~~ (f)
 1-39 and (g), an offense under this section is a Class B misdemeanor.

1-40 (g) An offense under this section is a state jail felony if
 1-41 it is shown on the trial of the offense that the actor, while
 1-42 participating in the riot, knowingly committed or attempted to
 1-43 commit an offense under Section 22.01(a)(1) or (3) against a person
 1-44 the actor knew was a first responder while the person was performing
 1-45 a duty as a first responder.

1-46 (h) For purposes of Subsection (g), the actor is presumed to
 1-47 have known the person was a first responder if the person was
 1-48 wearing a distinctive uniform or badge indicating the person's
 1-49 status as a first responder.

1-50 SECTION 2. Article 42.037, Code of Criminal Procedure, is
 1-51 amended by adding Subsection (w) to read as follows:

1-52 (w) The court shall order a defendant convicted of an
 1-53 offense under Section 42.02, Penal Code, to make restitution for
 1-54 any damage to or loss or destruction of property by reimbursing the
 1-55 owner of the property for the cost of restoring or replacing the
 1-56 property.

1-57 SECTION 3. The change in law made by this Act applies only
 1-58 to an offense committed on or after the effective date of this Act.
 1-59 An offense committed before the effective date of this Act is
 1-60 governed by the law in effect on the date the offense was committed,
 1-61 and the former law is continued in effect for that purpose. For

2-1 purposes of this section, an offense was committed before the
2-2 effective date of this Act if any element of the offense was
2-3 committed before that date.

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

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