

**BILL ANALYSIS**

Senate Research Center  
89S21304 SCF-D

C.S.H.B. 20  
By: Darby et al. (Perry)  
Disaster Preparedness & Flooding, Select  
9/2/2025  
Committee Report (Substituted)

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

H.B. 20, the Disaster Scam Response Act, is a comprehensive, targeted approach to protect Texans from criminals who prey on our citizens during their most vulnerable moments.

During the July 23, 2025, Joint Hearing of the Senate and House Select Committees on Disaster Preparedness and Flooding, Texas Division of Emergency Management (TDEM) Chief Nim Kidd testified that so-called "volunteers" in Kerr County have demanded thousands of dollars to clean debris and that scammers have called grieving parents claiming to have their missing children and demanded ransom payments for their return.

H.B. 20 addresses disaster scams by:

- creating new criminal offenses to make disaster scams—the most serious of which is "missing relative fraud"—felonies and enhancing existing theft penalties when criminals use their fraudulent status as a volunteer to steal from disaster victims; and
- giving victims—both donors who were taken advantage of and intended beneficiaries of donations that were fraudulently obtained and withheld from them—the right to recover triple damages, attorney's fees, and punitive damages from bad actors who exploit disasters for personal pecuniary gain.

A committee substitute to H.B. 20 will enhance protections against disaster scams by:

- requiring counties and cities to specify a non-profit organization or bank to receive donations during natural disasters in their emergency plans;
- requiring counties and cities to provide the name and contact info of the designated nonprofit organization or bank on their websites during a declared disaster; and
- requiring counties and cities to post a public notice regarding disaster scams on their websites during declared disasters.

C.S.H.B. 20 amends current law relating to measures to prevent and reduce charitable solicitations and theft during declared disasters, including establishing a designation program for disaster relief nonprofit organizations and financial institutions; creates a criminal offense; and increases a criminal penalty.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the secretary of state in SECTION 2.02 of this bill.

**SECTION BY SECTION ANALYSIS**

ARTICLE 1. SHORT TITLE

SECTION 1.01. Requires that this Act be known as the Disaster Scam Response Act.

ARTICLE 2. CONSUMER PROTECTION

SECTION 2.01. Amends Chapter 418, Government Code, by adding Subchapter L, as follows:

SUBCHAPTER L. DESIGNATION PROGRAM FOR DISASTER RELIEF NONPROFIT  
ORGANIZATIONS AND FINANCIAL INSTITUTIONS

Sec. 418.401. DEFINITIONS. Defines "designation program" and "declared disaster."

Sec. 418.402. DESIGNATION PROGRAM FOR DISASTER RELIEF DONATIONS; DESIGNATION NOT REQUIRED. (a) Requires the secretary of state (SOS) to establish and administer a designation program for political subdivisions in this state to designate a nonprofit organization or financial institution to solicit and accept donations for disaster relief efforts during a declared disaster threatening the political subdivision.

(b) Provides that the purpose of the designation program is to assist the residents of each political subdivision of this state in identifying a reputable nonprofit organization or financial institution to which the residents may donate to support disaster relief efforts during a declared disaster threatening the political subdivision.

(c) Provides that a nonprofit organization or financial institution is not required to receive a designation under the designation program to solicit or accept donations in response to a declared disaster.

Sec. 418.403. DESIGNATION APPROVAL. (a) Requires each political subdivision in this state to select and submit to SOS in the manner prescribed by SOS a nonprofit organization or financial institution the political subdivision proposes to designate under this subchapter to solicit and accept disaster relief donations during a declared disaster threatening the political subdivision.

(b) Requires SOS to develop guidelines for approving a nonprofit organization or financial institution a political subdivision submits for designation under Subsection (a).

Sec. 418.404. NOTICE OF DESIGNATION. (a) Requires each political subdivision to include in the political subdivision's emergency management plan the name of the nonprofit organization or financial institution approved for designation under the designation program.

(b) Requires each political subdivision to, on the political subdivision's Internet website, publish the name of and contact information for the nonprofit organization or financial institution approved for designation under the designation program and information to assist individuals in avoiding fraudulent charitable solicitations during a declared disaster.

SECTION 2.02. Requires SOS, as soon as practicable after the effective date of this Act, to adopt rules to implement Subchapter L, Chapter 418, Government Code, as added by this article.

### ARTICLE 3. CRIMINAL PENALTIES FOR DISASTER SCAMS

SECTION 3.01. Amends Section 31.03, Penal Code, by amending Subsection (e) and adding Subsection (f-3), as follows:

(e) Provides that, except as otherwise provided by this section, rather than except as provided by Subsections (f) (relating to providing that an offense under Section 31.03 is increased to the next higher category of offense if it is shown on the trial of the offense that the actor met certain criteria) and (f-1) (relating to providing that an offense under Section 31.03 is increased to the next higher category of offense if it is shown that the property stolen is a catalytic converter or the actor possessed a firearm during the commission of the offense), an offense under this section is a state jail felony if the value of the property stolen is less than \$30,000 and the property was stolen in a disaster area and came into the actor's custody, possession, or control by virtue of the actor's status or purported status as a disaster volunteer, as that term is defined by Section 32.61. Makes nonsubstantive changes.

(f-3) Provides that the increase in the punishment provided by Section 12.50 (Penalty If Offense Committed in Disaster Area or Evacuated Area) for an offense under this section does not apply if the penalty described by Subsection (e)(4)(H) (relating to providing that an offense under Section 31.03 (Theft) is a state jail felony if the value of the property stolen is less than \$30,000 and the property was stolen in a disaster area) applies.

SECTION 3.02. Amends Section 31.03(h), Penal Code, by adding Subdivision (9) to define "disaster area."

SECTION 3.03. Amends Subchapter D, Chapter 32, Penal Code, by adding Section 32.61, as follows:

Sec. 32.61. MALICIOUS SOLICITATION OF DISASTER VICTIM OR FOR DISASTER RESPONSE OR RECOVERY. (a) Defines "disaster," "disaster volunteer," "relative," and "victim of a disaster."

(b) Provides that a person commits an offense if the person, with the intent to defraud or harm any person:

(1) solicits a donation from another person while inducing the other person to believe that the donation will be used for disaster response or recovery, regardless of the manner of solicitation;

(2) solicits donations on behalf of a donee with the intent to retain the donations instead of delivering the donations to the donee on whose behalf the donations were solicited;

(3) solicits payment from a victim of a disaster after taking certain actions; or

(4) solicits payment from a victim of a disaster while inducing the victim to believe that the actor will search for or return to the victim a relative who is believed to be missing as a result of the disaster.

(c) Provides that an offense under Subsection (b)(1), (2), or (3) is, for a first offense, a felony of the third degree or, for a second or subsequent offense, a felony of the second degree.

(d) Provides that, notwithstanding Subsection (c), an offense under Subsection (b)(1), (2), or (3) is a felony of the first degree if the person fabricated a designation described by Subchapter L, Chapter 418, Government Code.

(e) Provides that an offense under Subsection (b)(4) is a felony of the first degree.

(f) Authorizes the actor, if conduct that constitutes an offense under this section also constitutes an offense under any other law, to be prosecuted under this section or the other law, or both.

SECTION 3.04. Makes application of Section 31.03, Penal Code, as amended by this article, prospective.

#### ARTICLE 4. CIVIL LIABILITY FOR MALICIOUS SOLICITATION DURING DISASTER

SECTION 4.01. Amends Title 4, Civil Practice and Remedies Code, by adding Chapter 100D, as follows:

##### CHAPTER 100D. LIABILITY FOR MALICIOUS SOLICITATION DURING DISASTER

Sec. 100D.001. DEFINITION. Defines "malicious solicitation during a disaster."

Sec. 100D.002. LIABILITY. Provides that a person who engages in malicious solicitation during a disaster is liable to the donee on whose behalf the payment was collected, the donee's estate, the donor from whom the payment was solicited, or the donor's estate.

Sec. 100D.003. DAMAGES. (a) Requires a court to award a donee or donee's estate who prevails in an action brought under this chapter 300 percent of the amount of donations the defendant collected on behalf of the donee and reasonable and necessary attorney's fees.

(b) Requires a court to award a donor or a donor's estate who prevails in an action under this chapter 300 percent of the amount of donations the defendant collected on behalf of the donee and reasonable and necessary attorney's fees.

(c) Provides that nothing in this section prevents a donee, donee's estate, donor, or donor's estate from pursuing a claim for exemplary damages under Chapter 41 (Damages) for the defendant's malicious solicitation during a disaster.

SECTION 4.02. Makes application of Chapter 100D, Civil Practice and Remedies Code, as added by this article, prospective.

## ARTICLE 5. EFFECTIVE DATE

SECTION 5.01. Effective date: the 91st day after the last day of the legislative session.