

## **BILL ANALYSIS**

C.S.H.B. 1028  
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Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

It has been suggested that the penalties for certain burglary and arson offenses committed in areas declared a state of disaster or subject to an emergency evacuation order are too lenient given the vulnerability of residents already impacted by the disaster. C.S.H.B. 1028 seeks to address this issue by increasing the penalties for certain offenses committed in these areas.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1028 amends the Penal Code to include burglary of coin-operated or coin collection machines, burglary of vehicles, and arson among the offenses for which the punishment is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that the offense was committed in an area that was, at the time of the offense, subject to an emergency evacuation order or subject to a declaration of a state of disaster made by the president of the United States, the governor, or the presiding officer of the governing body of a political subdivision. The bill removes a provision that increases the minimum term of confinement for assault or theft punishable as a Class A misdemeanor committed in such an evacuated area or disaster area as an exception to the general punishment increase for offenses committed in such areas. The bill includes arson among the offenses committed in such an area for which the punishment may not be increased to the punishment for the next higher category of offense if the offense is punishable as a first degree felony.

### **EFFECTIVE DATE**

September 1, 2019.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1028 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes arson among the offenses committed in a disaster area or an evacuated

area for which the punishment is increased to the punishment prescribed for the next higher category of offense and for which such a punishment increase is prohibited if the arson offense is punishable as a first degree felony.