

BILL ANALYSIS

Senate Research Center
81R2010 SJM-D

S.B. 359
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S/C on Flooding & Evacuations
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This bill addresses punishment levels for the offense of theft committed in evacuated areas or disaster areas. After Hurricane Ike, local officials brought to light the problem of looting in abandoned or evacuated areas. Section 31.03(f) of the Penal Code lists several specific theft offenses in which penalties are increased to the next higher category of offense.

As proposed, S.B. 359 amends Section 31.03(f), Penal Code, to include the offense of theft committed in an area that is either considered to be a disaster area under Section 418.014 (Declaration of State of Disaster) or 418.108 (Declaration of Local Disaster), Government Code, or an area that is subject to an emergency evacuation order.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 31.03(f), Penal Code, as follows:

(f) Provides that an offense described for purposes of punishment by Subsections (e)(1)-(6) (regarding the different categories of offense for theft) is increased to the next higher category of offense if it is shown on the trial of the offense that certain circumstances were associated with the offense, including the offense was committed in an area that is considered to be a disaster area under Section 418.014 (Declaration of State of Disaster) or 418.108 (Declaration of Local Disaster), Government Code, or subject to an emergency evacuation order.

SECTION 2. Amends Section 31.03(h), Penal Code, by adding Subdivision (3), to define "emergency evacuation order."

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.