

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 937
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Criminal Justice
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The involvement of young people in criminal street gangs is unacceptable, and reducing youth participation in gangs should be one of the highest priorities in the fight against gang activity. There are many ways to address this problem, including penalizing gang members for soliciting young people to join gangs.

Use of the Internet by gang members to promote their gangs and recruit young members is a relatively new, effective, and dangerous tool used by gangs.

Gangs sometimes recruit new members by threatening or injuring a family member of the individual being recruited. Under current law, this type of threat or injury must be prosecuted as an offense separate from any offense related to solicitation of gang membership.

C.S.S.B. 937 amends current law relating to the prosecution of and punishment for certain criminal offenses involving a criminal street gang.

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 15.031(e), Penal Code, as follows:

(e) Provides that an offense under this section is one category lower than the solicited offense, except that an offense under this section is the same category as the solicited offense if it is shown on the trial of the offense that an actor was at the time of the offense 17 years of age or older and a member of a criminal street gang, as defined by Section 71.01 (Definitions), and committed the offense with the intent to further the criminal activities of the criminal street gang or avoid detection as a member of a criminal street gang.

SECTION 2. Amends Section 22.015(a), Penal Code, by adding Subdivision (3), to define "family."

SECTION 3. Amends Section 22.015(b), Penal Code, to provide that a person commits an offense if, with the intent to coerce, induce, or solicit a child to actively participate in the activities of a criminal street gang, the person threatens the child or a member of the child's family with imminent bodily injury or causes bodily injury to the child or a member of the child's family.

SECTION 4. Amends Chapter 33, Penal Code, by adding Section 33.06, as follows:

Sec. 33.06. ONLINE HARASSMENT TO FURTHER INTERESTS OF CRIMINAL STREET GANG. (a) Defines "commercial social networking site," "criminal street gang," and "electronic communication."

(b) Provides that a person commits an offense if the person sends an electronic communication or posts a message on an electronic message board or commercial

social networking site with the intent to abuse, intimidate, harass, alarm, or threaten another person; and benefit, promote, or further the interests of a criminal street gang.

(c) Provides that an offense under this section is a Class B misdemeanor, except that the offense is a Class A misdemeanor if the actor has previously been convicted under this section.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2009.