

1-1 By: Perez (Senate Sponsor - Zaffirini) H.B. No. 2086  
1-2 (In the Senate - Received from the House May 15, 2023;  
1-3 May 15, 2023, read first time and referred to Committee on Criminal  
1-4 Justice; May 19, 2023, reported favorably by the following vote:  
1-5 Yeas 7, Nays 0; May 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Flores	X		
1-10	Bettencourt	X		
1-11	Hinojosa	X		
1-12	Huffman	X		
1-13	King	X		
1-14	Miles	X		

1-15 A BILL TO BE ENTITLED  
1-16 AN ACT

1-17 relating to creating a criminal offense for interfering with a  
1-18 motor fuel metering device or motor fuel unattended payment  
1-19 terminal and the prosecution of organized criminal activity  
1-20 involving that conduct.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 16, Penal Code, is amended by adding  
1-23 Section 16.021 to read as follows:

1-24 Sec. 16.021. INTERFERENCE WITH MOTOR FUEL METERING DEVICE  
1-25 OR MOTOR FUEL UNATTENDED PAYMENT TERMINAL. (a) In this section:

1-26 (1) "Motor fuel manipulation device" means a mechanism  
1-27 manufactured, assembled, or adapted to manipulate or alter a motor  
1-28 fuel metering device or a motor fuel unattended payment terminal  
1-29 for an unlawful purpose.

1-30 (2) "Motor fuel metering device" has the meaning  
1-31 assigned by Section 2310.001, Occupations Code.

1-32 (3) "Motor fuel unattended payment terminal" has the  
1-33 meaning assigned by Section 607.001, Business & Commerce Code.

1-34 (b) A person commits an offense if the person:

1-35 (1) intentionally intercepts, disrupts, or otherwise  
1-36 interferes with the operation of or attempts to intercept, disrupt,  
1-37 or otherwise interfere with the operation of a motor fuel metering  
1-38 device or motor fuel unattended payment terminal;

1-39 (2) intentionally modifies or attempts to modify a  
1-40 motor fuel metering device or motor fuel unattended payment  
1-41 terminal;

1-42 (3) intentionally manufactures, assembles, possesses,  
1-43 sells, or attempts to sell a motor fuel manipulation device;

1-44 (4) knowingly benefits from conduct described by  
1-45 Subdivision (1) or (2); or

1-46 (5) knowingly benefits from the sale of a motor fuel  
1-47 manipulation device.

1-48 (c) It is an affirmative defense to prosecution under  
1-49 Subsection (b)(3) for possession of a motor fuel manipulation  
1-50 device that the device is possessed by:

1-51 (1) a service technician, as defined by Section  
1-52 2310.151, Occupations Code, acting in the course and scope of the  
1-53 technician's employment, as authorized by the technician's  
1-54 employer, the Texas Department of Licensing and Regulation, or a  
1-55 law enforcement agency;

1-56 (2) an employee or authorized representative of the  
1-57 Texas Department of Licensing and Regulation assigned to administer  
1-58 or enforce Chapter 2310, Occupations Code, acting in the course and  
1-59 scope of the employee's or representative's official duties; or

1-60 (3) a law enforcement officer while engaged in the  
1-61 actual discharge of the officer's official duties.

2-1 (d) An offense under this section is a felony of the second  
2-2 degree.

2-3 SECTION 2. Section 71.02(a), Penal Code, is amended to read  
2-4 as follows:

2-5 (a) A person commits an offense if, with the intent to  
2-6 establish, maintain, or participate in a combination or in the  
2-7 profits of a combination or as a member of a criminal street gang,  
2-8 the person commits or conspires to commit one or more of the  
2-9 following:

2-10 (1) murder, capital murder, arson, aggravated  
2-11 robbery, robbery, burglary, theft, aggravated kidnapping,  
2-12 kidnapping, aggravated assault, aggravated sexual assault, sexual  
2-13 assault, continuous sexual abuse of young child or disabled  
2-14 individual, solicitation of a minor, forgery, deadly conduct,  
2-15 assault punishable as a Class A misdemeanor, burglary of a motor  
2-16 vehicle, or unauthorized use of a motor vehicle;

2-17 (2) any gambling offense punishable as a Class A  
2-18 misdemeanor;

2-19 (3) promotion of prostitution, aggravated promotion  
2-20 of prostitution, or compelling prostitution;

2-21 (4) unlawful manufacture, transportation, repair, or  
2-22 sale of firearms or prohibited weapons;

2-23 (5) unlawful manufacture, delivery, dispensation, or  
2-24 distribution of a controlled substance or dangerous drug, or  
2-25 unlawful possession of a controlled substance or dangerous drug  
2-26 through forgery, fraud, misrepresentation, or deception;

2-27 (5-a) causing the unlawful delivery, dispensation, or  
2-28 distribution of a controlled substance or dangerous drug in  
2-29 violation of Subtitle B, Title 3, Occupations Code;

2-30 (6) any unlawful wholesale promotion or possession of  
2-31 any obscene material or obscene device with the intent to wholesale  
2-32 promote the same;

2-33 (7) any offense under Subchapter B, Chapter 43,  
2-34 depicting or involving conduct by or directed toward a child  
2-35 younger than 18 years of age;

2-36 (8) any felony offense under Chapter 32;

2-37 (9) any offense under Chapter 36;

2-38 (10) any offense under Chapter 34, 35, or 35A;

2-39 (11) any offense under Section 37.11(a);

2-40 (12) any offense under Chapter 20A;

2-41 (13) any offense under Section 37.10;

2-42 (14) any offense under Section 38.06, 38.07, 38.09, or  
2-43 38.11;

2-44 (15) any offense under Section 42.10;

2-45 (16) any offense under Section 46.06(a)(1) or 46.14;

2-46 (17) any offense under Section 20.05 or 20.06;

2-47 (18) any offense under Section 16.02 or 16.021; or

2-48 (19) any offense classified as a felony under the Tax  
2-49 Code.

2-50 SECTION 3. The change in law made by this Act applies only  
2-51 to an offense committed on or after the effective date of this Act.  
2-52 An offense committed before the effective date of this Act is  
2-53 governed by the law in effect on the date the offense was committed,  
2-54 and the former law is continued in effect for that purpose. For  
2-55 purposes of this section, an offense was committed before the  
2-56 effective date of this Act if any element of the offense occurred  
2-57 before that date.

2-58 SECTION 4. This Act takes effect September 1, 2023.

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