

1-1 By: Bettencourt S.B. No. 467
1-2 (In the Senate - Filed January 13, 2023; February 17, 2023,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 March 23, 2023, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; March 23, 2023, sent to printer.)

1-6 COMMITTEE VOTE

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

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

1-17 relating to increasing the criminal penalty for the offense of
1-18 criminal mischief involving impairment of a motor fuel pump.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 28.03(b), Penal Code, is amended to read
1-21 as follows:

1-22 (b) Except as provided by Subsections (f) and (h), an
1-23 offense under this section is:

1-24 (1) a Class C misdemeanor if:

1-25 (A) the amount of pecuniary loss is less than
1-26 \$100; or

1-27 (B) except as provided in Subdivision (3)(A) or
1-28 (3)(B), it causes substantial inconvenience to others;

1-29 (2) a Class B misdemeanor if the amount of pecuniary
1-30 loss is \$100 or more but less than \$750;

1-31 (3) a Class A misdemeanor if:

1-32 (A) the amount of pecuniary loss is \$750 or more
1-33 but less than \$2,500; or

1-34 (B) the actor causes in whole or in part
1-35 impairment or interruption of any public water supply, or causes to
1-36 be diverted in whole, in part, or in any manner, including
1-37 installation or removal of any device for any such purpose, any
1-38 public water supply, regardless of the amount of the pecuniary
1-39 loss;

1-40 (4) a state jail felony if the amount of pecuniary loss
1-41 is:

1-42 (A) \$2,500 or more but less than \$30,000;

1-43 (B) less than \$2,500, if the property damaged or
1-44 destroyed is a habitation and if the damage or destruction is caused
1-45 by a firearm or explosive weapon;

1-46 (C) less than \$2,500, if the property was a fence
1-47 used for the production or containment of:

1-48 (i) cattle, bison, horses, sheep, swine,
1-49 goats, exotic livestock, or exotic poultry; or

1-50 (ii) game animals as that term is defined by
1-51 Section 63.001, Parks and Wildlife Code; or

1-52 (D) less than \$30,000 and the actor:

1-53 (i) causes wholly or partly impairment or
1-54 interruption of property used for flood control purposes or a dam or
1-55 of public communications, public transportation, public gas or
1-56 power supply, or other public service; or

1-57 (ii) causes to be diverted wholly, partly,
1-58 or in any manner, including installation or removal of any device
1-59 for any such purpose, any public communications or public gas or
1-60 power supply;

1-61 (5) a felony of the third degree if:

2-1 (A) the amount of the pecuniary loss is \$30,000
2-2 or more but less than \$150,000;

2-3 (B) the actor, by discharging a firearm or other
2-4 weapon or by any other means, causes the death of one or more head of
2-5 cattle or bison or one or more horses; ~~or~~

2-6 (C) the actor causes wholly or partly impairment
2-7 or interruption of access to an automated teller machine,
2-8 regardless of the amount of the pecuniary loss; or

2-9 (D) the actor causes wholly or partly impairment
2-10 or disruption to a retail motor fuel pump, regardless of the amount
2-11 of pecuniary loss;

2-12 (6) a felony of the second degree if the amount of
2-13 pecuniary loss is \$150,000 or more but less than \$300,000; or

2-14 (7) a felony of the first degree if the amount of
2-15 pecuniary loss is \$300,000 or more.

2-16 SECTION 2. The change in law made by this Act applies only
2-17 to an offense committed on or after the effective date of this Act.
2-18 An offense committed before the effective date of this Act is
2-19 governed by the law in effect on the date the offense was committed,
2-20 and the former law is continued in effect for that purpose. For
2-21 purposes of this section, an offense was committed before the
2-22 effective date of this Act if any element of the offense occurred
2-23 before that date.

2-24 SECTION 3. This Act takes effect September 1, 2023.

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