

By: West

S.B. No. 973

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to increasing criminal penalties for the offense of  
3 criminal mischief involving certain damage to residential gas  
4 meters.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 28.03(b), Penal Code, is amended to read  
7 as follows:

8 (b) Except as provided by Subsections (f) and (h), an  
9 offense under this section is:

10 (1) a Class C misdemeanor if:

11 (A) the amount of pecuniary loss is less than  
12 \$100; or

13 (B) except as provided in Subdivision (3)(A) or  
14 (3)(B), it causes substantial inconvenience to others;

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

17 (3) a Class A misdemeanor if:

18 (A) the amount of pecuniary loss is \$750 or more  
19 but less than \$2,500; or

20 (B) the actor causes in whole or in part  
21 impairment or interruption of any public water supply, or causes to  
22 be diverted in whole, in part, or in any manner, including  
23 installation or removal of any device for any such purpose, any  
24 public water supply, regardless of the amount of the pecuniary

1 loss;

2 (4) a state jail felony if the amount of pecuniary loss  
3 is:

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

5 (B) less than \$2,500, if the property damaged or  
6 destroyed is a habitation and if the damage or destruction is caused  
7 by a firearm or explosive weapon;

8 (C) less than \$2,500, if the property was a fence  
9 used for the production or containment of:

10 (i) cattle, bison, horses, sheep, swine,  
11 goats, exotic livestock, or exotic poultry; or

12 (ii) game animals as that term is defined by  
13 Section 63.001, Parks and Wildlife Code; [~~or~~]

14 (D) less than \$30,000 and the actor:

15 (i) causes wholly or partly impairment or  
16 interruption of property used for flood control purposes or a dam or  
17 of public communications, public transportation, public gas or  
18 power supply, or other public service; or

19 (ii) causes to be diverted wholly, partly,  
20 or in any manner, including installation or removal of any device  
21 for any such purpose, any public communications or public gas or  
22 power supply; or

23 (E) less than \$2,500, if:

24 (i) the property damaged or destroyed is a  
25 meter installed by a gas utility on the property of a residence,  
26 including a meter installed on the property of an apartment, a  
27 leased or owner-occupied condominium, or a building that receives

1 gas utility service that is master metered; and

2 (ii) the damage or destruction is caused by  
3 discharging a firearm;

4 (5) a felony of the third degree if:

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

7 (B) the actor, by discharging a firearm or other  
8 weapon or by any other means, causes the death of one or more head of  
9 cattle or bison or one or more horses; ~~or~~

10 (C) the actor causes wholly or partly impairment  
11 or interruption of access to an automated teller machine,  
12 regardless of the amount of the pecuniary loss; or

13 (D) the offense is punishable under Subsection  
14 (b)(4)(E) and as a direct result of the commission of the offense an  
15 individual suffered serious bodily injury or death;

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

18 (7) a felony of the first degree if the amount of  
19 pecuniary loss is \$300,000 or more.

20 SECTION 2. Section 28.03(g), Penal Code, is amended by  
21 adding Subdivisions (10) and (11) to read as follows:

22 (10) "Gas utility" has the meaning assigned by Section  
23 101.003, Utilities Code, and for the purposes of this section  
24 includes a municipally owned utility as defined by that section.

25 (11) "Meter" means an instrument or machine used to  
26 measure and record the use of gas.

27 SECTION 3. The change in law made by this Act applies only

1 to an offense committed on or after the effective date of this Act.  
2 An offense committed before the effective date of this Act is  
3 governed by the law in effect on the date the offense was committed,  
4 and the former law is continued in effect for that purpose. For  
5 purposes of this section, an offense was committed before the  
6 effective date of this Act if any element of the offense occurred  
7 before that date.

8 SECTION 4. This Act takes effect September 1, 2023.