

By: Gattis

H.B. No. 2146

A BILL TO BE ENTITLED

AN ACT

relating to the prosecution of the offense of criminal mischief.

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

SECTION 1. Section 28.03(b), Penal Code, as amended by Chapters 747 and 976, Acts of the 77th Legislature, Regular Session, 2001, is reenacted and amended to read as follows:

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

(1) a Class C misdemeanor if:

(A) the amount of pecuniary loss is less than \$50; or

(B) except as provided in Subdivision [~~(3)(A) or~~] (3)(B), it causes substantial inconvenience to others;

(2) a Class B misdemeanor if the amount of pecuniary loss is \$50 or more but less than \$500;

(3) a Class A misdemeanor if [~~:(A)] the amount of pecuniary loss is:~~

(A) [~~(i)~~] \$500 or more but less than \$1,500; or

(B) [~~(ii)~~] less than \$1,500 and the actor causes in whole or in part impairment or interruption of public communications, public transportation, public water, gas, or power supply, or other public service, or causes to be diverted in whole, in part, or in any manner, including installation or removal of any device for any such purpose, any public communications, or public

1 water, gas, or power supply; [~~or~~

2 [~~(B) the actor causes in whole or in part~~
3 ~~impairment or interruption of any public water supply, or causes to~~
4 ~~be diverted in whole, in part, or in any manner, including~~
5 ~~installation or removal of any device for any such purpose, any~~
6 ~~public water supply, regardless of the amount of the pecuniary~~
7 ~~loss,]~~

8 (4) a state jail felony if the amount of pecuniary loss
9 is:

10 (A) \$1,500 or more but less than \$20,000;

11 (B) less than \$1,500, if the property damaged or
12 destroyed is a habitation and if the damage or destruction is caused
13 by a firearm or explosive weapon; or

14 (C) less than \$1,500, if the property was a fence
15 used for the production or containment of:

16 (i) cattle, bison, horses, sheep, swine,
17 goats, exotic livestock, or exotic poultry; or

18 (ii) game animals as that term is defined by
19 Section 63.001, Parks and Wildlife Code;

20 (5) a felony of the third degree if the amount of the
21 pecuniary loss is \$20,000 or more but less than \$100,000;

22 (6) a felony of the second degree if the amount of
23 pecuniary loss is \$100,000 or more but less than \$200,000; or

24 (7) a felony of the first degree if the amount of
25 pecuniary loss is \$200,000 or more.

26 SECTION 2. Section 28.03(d), Penal Code, is amended to read
27 as follows:

1 (d) The term [~~terms~~] "public communications
2 [~~communication~~], public transportation, public water, gas, or
3 power supply, or other public service" includes [~~and "public water~~
4 ~~supply" shall mean, refer to, and include~~] any such services:

5 (1) subject to regulation by the Public Utility
6 Commission of Texas, the Railroad Commission of Texas, or the Texas
7 [~~Natural Resource Conservation~~] Commission on Environmental
8 Quality; or

9 (2) [~~any such services~~] enfranchised by the state
10 [~~State of Texas~~] or any political subdivision of the state
11 [~~thereof~~].

12 SECTION 3. (a) This Act takes effect September 1, 2003.

13 (b) The change in law made by this Act applies only to an
14 offense committed on or after September 1, 2003. An offense
15 committed before September 1, 2003, is covered by the law in effect
16 when the offense was committed, and the former law is continued in
17 effect for that purpose. For the purposes of this subsection, an
18 offense was committed before September 1, 2003, if any element of
19 the offense occurred before that date.