

## **BILL ANALYSIS**

C.S.H.B. 1634  
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Criminal Jurisprudence  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, very little can be done to punish people who cause a fire to ignite or an explosion to occur as a result of the manufacturing of a controlled substance, specifically methamphetamine. Current arson statute requires a conscious objective or desire to cause damage to property for charges to be filed, and in some cases there is not enough evidence left after the fire occurs for narcotics detectives to make a case against the person who started the fire. Therefore nothing currently happens to people who cause a fire or explosion to occur as a result of manufacturing a controlled substance.

CSHB 1634 creates a third degree felony offense for people who recklessly start a fire or cause an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages or destroys any building, habitation, or vehicle.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

CSHB 1634 amends the Penal Code by providing that a person commits a third degree felony offense if he or she recklessly starts a fire or causes an explosion that damages any building, habitation, or vehicle while manufacturing or attempting to manufacture a controlled substance.

CSHB 1634 amends the Local Government Code by providing that a person commits an offense if he or she is the owner of property subject to an arson investigation, and he or she refuses to be sworn, refuses to appear and testify, or fails and refuses to produce any book, paper, or other document relating to any matter under investigation if asked by the county fire marshal to do so.

### **EFFECTIVE DATE**

September 1, 2005.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The substitute changes the punishment class for the offense for recklessly starting a fire or causing an explosion from a state jail felony which was enhanced to a first degree felony if the fire resulted in injury or death to a third degree felony.