

By: Guillen

H.B. No. 197

A BILL TO BE ENTITLED

AN ACT

relating to the punishment for the offense of criminal mischief.

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

SECTION 1. Section 28.03(b), Penal Code, is 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) except as provided by Subdivision (2), the amount of pecuniary loss is less than \$50; or

(B) except as provided by [~~in~~] Subdivision (4)(A) [~~(3)(A)~~] or (4)(B) [~~(3)(B)~~], it causes substantial inconvenience to others;

(2) a Class C misdemeanor punishable by a fine not to exceed \$1,000 if the amount of pecuniary loss is less than \$50 and the actor has been convicted three or more times of an offense under this section;

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

(4) [~~(3)~~] a Class A misdemeanor if:

(A) the amount of pecuniary loss is:

(i) \$500 or more but less than \$1,500; or

(ii) less than \$1,500 and the actor causes in whole or in part impairment or interruption of public

1 communications, public transportation, public gas or power supply,
2 or other public service, or causes to be diverted in whole, in part,
3 or in any manner, including installation or removal of any device
4 for any such purpose, any public communications or public gas or
5 power supply; or

6 (B) the actor causes in whole or in part
7 impairment or interruption of any public water supply, or causes to
8 be diverted in whole, in part, or in any manner, including
9 installation or removal of any device for any such purpose, any
10 public water supply, regardless of the amount of the pecuniary
11 loss;

12 (5) [~~(4)~~] a state jail felony if the amount of
13 pecuniary loss is:

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

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

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

20 (i) cattle, bison, horses, sheep, swine,
21 goats, exotic livestock, or exotic poultry; or

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

24 (6) [~~(5)~~] a felony of the third degree if the amount of
25 the pecuniary loss is \$20,000 or more but less than \$100,000;

26 (7) [~~(6)~~] a felony of the second degree if the amount
27 of pecuniary loss is \$100,000 or more but less than \$200,000; or

1 (8) [~~(7)~~] a felony of the first degree if the amount of
2 pecuniary loss is \$200,000 or more.

3 SECTION 2. The change in law made by this Act applies only
4 to an offense committed on or after the effective date of this Act.
5 An offense committed before the effective date of this Act is
6 covered by the law in effect when the offense was committed, and the
7 former law is continued in effect for that purpose. For purposes of
8 this section, an offense was committed before the effective date of
9 this Act if any element of the offense occurred before that date.

10 SECTION 3. This Act takes effect September 1, 2005.