

By: Guillen

H.B. No. 197

Substitute the following for H.B. No. 197:

By: Hodge

C.S.H.B. No. 197

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the punishment for the offense of criminal mischief.

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

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

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

8 (1) a Class C misdemeanor if:

9 (A) except as provided by Subdivision (2), the  
10 amount of pecuniary loss is less than \$50; or

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

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

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

20 (4) [~~(3)~~] a Class A misdemeanor if:

21 (A) the amount of pecuniary loss is:

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

23 (ii) less than \$1,500 and the actor causes  
24 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.