

By: Guillen

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) the amount of pecuniary loss is less than
10 \$50; or

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

13 (2) a Class B misdemeanor if:

14 (A) the amount of pecuniary loss is less than \$50
15 and the actor has been convicted three or more times of an offense
16 under this section; or

17 (B) the amount of pecuniary loss is \$50 or more
18 but less than \$500;

19 (3) a Class A misdemeanor if:

20 (A) the amount of pecuniary loss is:

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

22 (ii) less than \$1,500 and the actor causes
23 in whole or in part impairment or interruption of public
24 communications, public transportation, public gas or power supply,

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

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

11 (4) a state jail felony if the amount of pecuniary loss
12 is:

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

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

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

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

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

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

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

27 (7) a felony of the first degree if the amount of

1 pecuniary loss is \$200,000 or more.

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

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