

AN ACT

relating to arson and arson investigation; creating offenses.

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

SECTION 1. Section 28.02, Penal Code, is amended by amending Subsection (d) and adding Subsections (a-1), (e), (f), and (g) to read as follows:

(a-1) A person commits an offense if the person recklessly starts a fire or causes an explosion while manufacturing or attempting to manufacture a controlled substance and the fire or explosion damages any building, habitation, or vehicle.

(d) An offense under Subsection (a) [~~this section~~] is a felony of the second degree, except that the offense is a felony of the first degree if it is shown on the trial of the offense that:

(1) bodily injury or death was suffered by any person by reason of the commission of the offense; or

(2) the property intended to be damaged or destroyed by the actor was a habitation or a place of assembly or worship.

(e) An offense under Subsection (a-1) is a state jail felony, except that the offense is a felony of the third degree if it is shown on the trial of the offense that bodily injury or death was suffered by any person by reason of the commission of the offense.

(f) It is a felony of the third degree if a person commits an offense under Subsection (a)(2) of this section and the person

1 intentionally starts a fire in or on a building, habitation, or  
2 vehicle, with intent to damage or destroy property belonging to  
3 another, or with intent to injure any person, and in so doing,  
4 recklessly causes damage to the building, habitation, or vehicle.

5 (g) If conduct that constitutes an offense under Subsection  
6 (a-1) or that constitutes an offense under Subsection (f) also  
7 constitutes an offense under another subsection of this section or  
8 another section of this code, the actor may be prosecuted under  
9 Subsection (a-1) or Subsection (f), under the other subsection of  
10 this section, or under the other section of this code.

11 SECTION 2. Section 352.021, Local Government Code, is  
12 amended by adding Subsection (a-1) to read as follows:

13 (a-1) A person commits an offense if the person is the owner  
14 of property subject to an investigation under Section 352.015 and  
15 the person refuses to be sworn, refuses to appear and testify, or  
16 fails and refuses to produce before the county fire marshal any  
17 book, paper, or other document relating to any matter under  
18 investigation if called on by the marshal to do so.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1634 was passed by the House on May 9, 2005, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 1634 on May 26, 2005, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 1634 on May 29, 2005, by a non-record vote.

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Chief Clerk of the House

H.B. No. 1634

I certify that H.B. No. 1634 was passed by the Senate, with amendments, on May 24, 2005, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 1634 on May 29, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor