

By: Allen of Dallas

H.B. No. 1634

A BILL TO BE ENTITLED

AN ACT

relating to arson and arson investigation; creating an offense.

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) and (e) 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 first 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.

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

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

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