

1-1 By: Allen of Dallas, et al. H.B. No. 1634
1-2 (Senate Sponsor - Gallegos)
1-3 (In the Senate - Received from the House May 10, 2005;
1-4 May 12, 2005, read first time and referred to Committee on Criminal
1-5 Justice; May 20, 2005, reported favorably by the following vote:
1-6 Yeas 4, Nays 0; May 20, 2005, sent to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to arson and arson investigation; creating offenses.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 28.02, Penal Code, is amended by
1-12 amending Subsection (d) and adding Subsections (a-1) and (e) to
1-13 read as follows:

1-14 (a-1) A person commits an offense if the person recklessly
1-15 starts a fire or causes an explosion while manufacturing or
1-16 attempting to manufacture a controlled substance and the fire or
1-17 explosion damages any building, habitation, or vehicle.

1-18 (d) An offense under Subsection (a) [~~this section~~] is a
1-19 felony of the second degree, except that the offense is a felony of
1-20 the first degree if it is shown on the trial of the offense that:

1-21 (1) bodily injury or death was suffered by any person
1-22 by reason of the commission of the offense; or

1-23 (2) the property intended to be damaged or destroyed
1-24 by the actor was a habitation or a place of assembly or worship.

1-25 (e) An offense under Subsection (a-1) is a state jail
1-26 felony, except that the offense is a felony of the third degree if
1-27 it is shown on the trial of the offense that bodily injury or death
1-28 was suffered by any person by reason of the commission of the
1-29 offense.

1-30 SECTION 2. Section 352.021, Local Government Code, is
1-31 amended by adding Subsection (a-1) to read as follows:

1-32 (a-1) A person commits an offense if the person is the owner
1-33 of property subject to an investigation under Section 352.015 and
1-34 the person refuses to be sworn, refuses to appear and testify, or
1-35 fails and refuses to produce before the county fire marshal any
1-36 book, paper, or other document relating to any matter under
1-37 investigation if called on by the marshal to do so.

1-38 SECTION 3. This Act takes effect September 1, 2005.

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